

Tuesday, 6th September, 1932

THE
As
LEGISLATIVE ASSEMBLY DEBATES

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(5th September to 19th September, 1932)

FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY, 1932



**NEW DELHI
GOVERNMENT OF INDIA PRESS
1932**

Legislative Assembly.

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

Deputy President :

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MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

Secretary :

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

Assistants of the Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

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

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LEGISLATIVE ASSEMBLY.

Tuesday, 6th September, 1932.

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

MEMBER SWORN :

Mr. William Bartlet Hossack, M.L.A., (Bombay : European).

QUESTIONS AND ANSWERS.

HOLDING OF THE INDIAN NATIONAL CONGRESS IN DELHI.

39. *Mr. **Gaya Prasad Singh** : (a) Will Government kindly make a short statement in connection with the holding of the Indian National Congress in Delhi in April last, in which, among others, a Resolution approving of the civil disobedience was passed, how it was actually held in spite of the elaborate efforts of Government, how many persons in all were arrested in connection with it, how many were imprisoned, how many were let off, and why ?

(b) Are Government aware that the holding of the Congress in Delhi has stiffened the national attitude against Government, and intensified the boycott of British goods ?

The Honourable Mr. H. G. Haig : (a) An attempt was made on the 24th April last to hold in Delhi the annual Session of the Indian National Congress which had been prohibited. The attempt was frustrated. The main effort consisted of a hurried collection, at about 9 A.M., in twos and threes, of a small crowd of from 100 to 150 who raised revolutionary cries while one of the number rapidly read out five brief resolutions of which printed copies had been found in the city earlier in the morning. The Police drew a cordon round the crowd and arrested them. No further concerted attempt was made to hold a meeting, but during the course of the day there was some stone-throwing by mobs and some interference with traffic, and it was necessary to arrest or disperse batches of people demonstrating with flags and endeavouring to gather crowds. The arrests in Delhi from the 18th to the 24th April numbered 630 of whom 370 were arrested on the 24th. Of these 115 were sent up for trial and sentenced. The remainder whom the local authorities did not consider it necessary to prosecute were released.

(b) I have no information to that effect.

Mr. Lalchand Navalrai : Will the Honourable Member please say whether the stones were thrown by the Congress people or others who were present ?

The Honourable Mr. H. G. Haig : They were thrown by people who had gathered in response to the instigation of the Congress.

Sardar Sant Singh : Is it not a fact that no force was used up to 3 P.M. when the Congress session was being held near the Clock Tower ? Is it also not a fact that the police stopped arresting, and then began to use force.

The Honourable Mr. H. G. Haig : What usually happens in these cases is that as the day goes on the mob becomes more troublesome.

Sardar Sant Singh : Is it not a fact that the arrests were stopped, because too many persons offered themselves for arrest.

The Honourable Mr. H. G. Haig : No, Sir. I do not think that is the case. My information is that as stone-throwing and interference with traffic developed, the police had to take more definite action.

Sardar Sant Singh : May I inform the Honourable Member that I was present there when the force was used. There was no stone-throwing.

Mr. Gaya Prasad Singh : May I know why my Honourable friend was not arrested when he was in the mob ? (Laughter.)

The Honourable Mr. H. G. Haig : I expect the fact was not reported to the authorities.

Mr. S. C. Mitra : Is it a fact that the Indian National Congress has not been declared illegal ? If so, why was this attempt made to obstruct the holding of this meeting ?

The Honourable Mr. H. G. Haig : The Indian National Congress has not been declared illegal, because Government have no desire to arrest every member of the Indian National Congress. This particular meeting was prohibited, because it was one of the purposes of the Indian National Congress to support the movement of civil disobedience and encourage it by the holding of this meeting and the passing of certain resolutions and as it is the policy of Government to defeat and put an end to the civil disobedience movement, this meeting was prohibited.

Mr. S. C. Mitra : Are not the Government of India aware that the resolutions of the Congress are settled in a Subjects Committee after the first address of the President ? So, as a matter of fact, there were no resolutions ready by the time the Government issued orders for not holding the Congress.

The Honourable Mr. H. G. Haig : Does my Honourable friend suggest that it was the intention of the Indian National Congress to change their programme of civil disobedience ?

Mr. S. C. Mitra : Is not the Honourable Member aware that the Indian National Congress has changed several times its methods and even its creed and how does the Honourable Member assume that it was going to stick to the former programme ?

The Honourable Mr. H. G. Haig : I should be very glad to hear from my Honourable friend that it was or even now is the intention of the Indian National Congress to change its programme but at that time there was no such intention and the resolutions passed at the time bear out that contention.

Mr. S. C. Mitra : How will it be possible for the Indian National Congress to show that they are willing to change their programme unless they are allowed to hold their session ?

The Honourable Mr. H. G. Haig : They could easily communicate their intention to the Government.

Mr. Gaya Prasad Singh : Are Government aware that the programme of civil disobedience was actually forced on the Congress by the attitude of the Government themselves ?

The Honourable Mr. H. G. Haig : I cannot accept that view.

Mr. Lalchand Navalrai : What reason has the Honourable Member got to say that the stones were thrown at the instigation of the Congress which preaches and professes non-violence.

The Honourable Mr. H. G. Haig : The crowds collected as the result of this endeavour of the Congress to defy a lawful order.

Mr. Lalchand Navalrai : It will always be easy to say that the stone throwing was instigated by the Congress and there is no evidence.

The Honourable Mr. H. G. Haig : I think the facts of the matter are quite obvious.

Rao Bahadur B. L. Patil : What evidence have the Government got to say that the stone-throwing was done at the instigation of the Congress ?

The Honourable Mr. H. G. Haig : I do not think any ordinary person would require proof in a matter of that kind.

Rao Bahadur B. L. Patil : It is only a matter of inference.

Mr. Lalchand Navalrai : Is it not a fact that in every case it is urged that stones have been thrown from the other side and then violence was used by Government officers ?

The Honourable Mr. H. G. Haig : What reason does the Honourable Member suggest for stone-throwing and disorder ?

Mr. Gaya Prasad Singh : Agents provocateur—that may be one reason.

The Honourable Mr. H. G. Haig : That is a very old accusation which does not carry much weight ?

Mr. Gaya Prasad Singh : But it is nonetheless true.

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

40. ***Mr. A. Das :** (a) With reference to the reply given to my starred question No. 1, dated 26th January, 1932, will Government state what is the established proportion of Indians and Europeans recruited and to be recruited to the I. C. S. and Indian Police Service ?

(b) In what proportion is the selection made ?

(c) Among Indians what is the proportion fixed for Hindus, Muslims and other communities ?

The Honourable Mr. H. G. Haig : (a) The Government of India follow the recommendations of the Lee Commission. In the case of the Indian Civil Service direct recruitment is made at the rate of 50 per cent. Europeans and 50 per cent. Indians. In the case of the Indian Police direct recruitment is made at the rate of 50 Europeans to 30

Indians. In both services provision is made apart from direct recruitment for a considerable percentage of posts to be filled by promotion from the Provincial Service.

(b) The numbers actually recruited are shown in the statements showing the progress of Indianisation in the Superior Civil Services, which are annually placed in the Library of the House.

(c) The policy of the Government of India is to prevent the undue preponderance of any one class or community in the Services. No definite proportions have been fixed for individual communities.

Mr. M. Maswood Ahmad : In view of such questions, are the Government aware that there is great dissatisfaction about non-fixing of any proportion for Hindus, Muslims and other communities ?

The Honourable Mr. H. G. Haig : Certain representations have been made on behalf of certain minority communities but up to the present the Government have found that their existing rules work not unsatisfactorily.

Dr. Ziauddin Ahmad : Is not the Honourable gentleman aware that the Government of Madras have fixed such a proportion by means of Government orders, and has the Honourable Member seen those orders ?

The Honourable Mr. H. G. Haig : I believe the practice differs with different Local Governments.

Mr. Gaya Prasad Singh : In view of the dissatisfaction which is said to exist on this question, do Government propose to introduce the system of competitive examinations, eliminating all discriminations based on caste, religion or creed ?

The Honourable Mr. H. G. Haig : No, Sir. I do not think that that would remove the particular dissatisfaction that has been expressed.

Mr. Gaya Prasad Singh : Is it because you want this dissatisfaction to continue so that the communities may be quarrelling amongst themselves ?

The Honourable Mr. H. G. Haig : No, Sir. The object of our policy is to ensure that there is a reasonable distribution amongst the various communities.

Mr. Gaya Prasad Singh : Irrespective of qualifications ? And only with regard to Indian communities ?

Dr. Ziauddin Ahmad : Is the Honourable gentleman aware that it has been definitely proved that competitive examinations do not select the best men, but the most fortunate men ?

The Honourable Mr. H. G. Haig : That is a matter of controversy, Sir, on which I should not like to express an opinion.

Mr. Gaya Prasad Singh : In view of the question of my Honourable friend, are Government prepared to eliminate competitive examinations with regard to the Indian Civil Service ?

The Honourable Mr. H. G. Haig : There is no proposal before the Government to eliminate competitive examinations.

DETENUS DETAINED UNDER CERTAIN REGULATIONS.

41. ***Mr. A. Das :** (a) Will Government be pleased to state what is the total number of detenus under Regulation III of 1818 and other Regulations in jail up to the end of July, 1932 ?

(b) How many are there from each Province and how many are located outside their own province ?

(c) Will Government give in a tabular form the period of their detention in each province ?

(d) Out of the number of detenus how many are such whose papers have not been submitted to any judicial officer for scrutiny ? If not, why not ?

(e) How long do Government intend to keep them in jail ?

(f) Have the Government of India directed the Local Governments to make rules for their boarding comforts, allowances to relatives and about interview of the detenus kept out of their native provinces ?

(g) Have Local Governments made any such rules and have they been published ? If so, when ? Will Government be pleased to lay a copy of this on the table of the House ?

(h) If the Local Governments have not so far made any rules, do the Central Government propose to ask the Local Governments to expedite this work ?

The Honourable Mr. H. G. Haig : (a), (b) and (c). I lay on the table a statement giving the particulars required as far as they are available.

(d) As regards persons dealt with under the Bengal Criminal Law Amendment Act, 1930, I would refer the Honourable Member to the provisions of section 9 of that Act under which every case is referred to two Judges. The position as regards the examination of cases of State Prisoners is explained in the reply given by my predecessor to Mr. Neogy's question No. 440 on the 22nd February, 1932. (Hear hear.) The cases of 15 State Prisoners have not been submitted for such scrutiny.

(e) So long as their detention is considered essential in the public interests.

(f), (g) and (h). Rules are laid down in the provincial Jail Manuals for the treatment of State Prisoners. Certain special rules for the treatment of detenus in the Deoli Camp Jail have been framed by the Chief Commissioner, Ajmer-Merwara and published in the Gazette of India, dated the 14th May, 1932. In addition to these, supplementary instructions have been issued for the treatment of State Prisoners and detenus. These instructions are in accordance with long standing practice kept confidential.

State Prisoners detained in Jail under the Bengal Regulation III of 1818, Madras Regulation II of 1819 and Bombay Regulation XXV of 1827, up to the end of July, 1932.

(i) Total number in Jail 35

(ii) Number from each province :

Madras	..	..	..	1
Bombay	..	..	..	2
Bengal	..	..	..	21
Punjab	..	..	..	6
N.-W. F. Province	..	..	..	4
Delhi	..	..	..	1
				<hr/> 35

(iii) Number detained outside their own province .. 24

(23 Prisoners were transferred outside their own Province between the end of November, 1931, and beginning of January, 1932, one State Prisoner was transferred in the beginning of February, 1932.)

(iv) Distribution of State Prisoners :

Madras	..	..	..	10
Bombay	..	..	..	2
Bengal	..	..	..	1
United Provinces	..	..	..	1
Punjab	..	..	..	10
Bihar and Orissa	..	..	..	3
Central Provinces	..	..	..	5
N.-W. F. Province	..	..	..	2
Delhi	..	..	..	1
				<hr/> 35

Persons dealt with under the Bengal Criminal Law Amendment Act, 1930.

The total number in jails and detention Camps on the 31st July, 1932, was 997, of whom 92 are detained outside Bengal, i.e., in the Deoli Camp Jail.

Mr. S. C. Mitra : Referring to part (d), will the Honourable Member please state if the cases of the remaining 15 will be put before any tribunal of judges ?

The Honourable Mr. H. G. Haig : No, Sir.

Sardar Sant Singh : May I know if there is any executive order which fixes the time after which the cases of these unfortunate men are to be reviewed ?

The Honourable Mr. H. G. Haig : I think my Honourable friend will find that there is a provision in Regulation III itself. I would refer to section 3 of the Regulation.

Mr. S. C. Mitra : Have Government any objection to explaining the reason why these 15 cases are singled out for not being put before Judges ?

The Honourable Mr. H. G. Haig : I would not put it in that way. The normal procedure under the Regulation is that cases are not referred to Judges. In certain exceptional cases a procedure analogous to that under the Bengal Criminal Law Amendment Act is pursued.

NUMBER OF POLITICAL PRISONERS CONVICTED IN THE CIVIL DISOBEDIENCE MOVEMENT.

42. *Mr. A. Das : (a) What is the total number of persons convicted in the recent civil disobedience movement undergoing imprisonment up to July, 1932 ?

(b) Will Government mention how many in each province, how many males and females ?

The Honourable Mr. H. G. Haig : (a) and (b). I lay a statement on the table.

STATEMENT.

Statement showing the number of convicted persons undergoing imprisonment at the end of July 1932 in connection with the Civil Disobedience Movement.

Province.	Number of convicted persons undergoing imprisonment at the end of July 1932.	
	Males.	Females.
Madras	1,611	163
Bombay	6,131	316
Bengal	3,490	203
United Provinces	4,812	141
Punjab	855	40
Bihar and Orissa	2,484	58
Burma .. .. .	..	..
Central Provinces	1,130	36
Assam	684	38
North-West Frontier Province	1,987	1
Delhi	364	20
Coorg	67	..
Ajmer-Merwara	97	4
Total	23,712	1,020

CREATION OF A RESERVE BANK.

43. *Mr. A. Das : Have Government decided to start a reserve bank ? When will Government undertake to decide this matter or will it be decided by the new constitution which may be introduced later ?

The Honourable Sir Alan Parsons : Both economic and political considerations make it impossible to say now when or how a reserve bank will be constituted.

Dr. Ziauddin Ahmad : Is it not a fact that this question of a Central Bank has been under the consideration of the Government of India for the last 40 years ?

The Honourable Sir Alan Parsons : Not as far as I am aware for 40 years ; but fairly recently, a proposal for a Reserve Bank was placed by the Government of India before the Assembly.

Dr. Ziauddin Ahmed : See the Fowler Committee's Report.

Mr. B. Das : Do I take it that the Government of India have shelved the reports of the different Banking Enquiry Committees and are not going to take any action on them ?

The Honourable Sir Alan Parsons : If the Honourable Member will wait for the answer to a question coming up later, he will get a reply.

Mr. B. Das : May I inquire if it is not the case that when the Ratio Bill was passed in this House the Honourable Sir Basil Blackett assured the House that the Reserve Bank Bill would be taken up in 1931 ? If so, why is it that Government have not taken any action ?

The Honourable Sir Alan Parsons : I cannot recall the exact assurance that my Honourable friend says was given by Sir Basil Blackett. The reasons why they have not taken up the question of a Reserve Bank in 1931 were given in my answer to the main question.

Dr. Ziauddin Ahmad : In view of the fact that the Government could have purchased the whole amount of gold by putting embargo on gold, the present time is the most propitious time for starting a Central Bank ?

The Honourable Sir Alan Parsons : My personal opinion, I am afraid, is at variance with that of the Honourable Member.

PRINTING PRESSES ASKED TO FURNISH SECURITY UNDER THE ORDINANCES.

44. ***Mr. A. Das :** (a) How many printing presses have been asked to furnish security in each province since the Ordinances were promulgated from 1st January, 1932 up to July, 1932 ?

(b) Will Government make a statement in a tabular form showing the names of the presses, the amount of security demanded and the name of the Province ? Will Government please state how many out of these furnished security and how many have closed down failing to produce security giving the names of the latter ?

The Honourable Mr. H. G. Haig : The information is being collected from the Local Governments and a statement will be laid on the table in due course.

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

45. ***Mr. A. Das :** (a) With reference to the answer to starred question No. 48 of the 26th January, 1932, will Government be pleased to state why only such a small number of Indians have been appointed in those posts ?

(b) Do Government propose to stop further recruitment of Europeans to such posts and open them to duly qualified members of the important communities in India, including Anglo-Indians and Indian Christians ?

The Honourable Mr. H. G. Haig : (a) The posts of Secretary and Joint Secretary in most Departments of the Government of India are reserved by the Government of India Act for members of the Indian Civil Service. Selections for these posts are made from amongst experienced and suitable officers of the Service, whether European or Indian. The number of Indian officers of the required seniority is, at present, considerably less than the number of European officers and hence it is natural that fewer should be selected.

(b) The posts are open to duly qualified members of all communities alike, including Europeans, and will continue to be.

Mr. N. M. Joshi : May I ask whether any steps are being taken to prevent the undue preponderance of any one community in this matter ?

The Honourable Mr. H. G. Haig : I have explained, Sir, that there is no question of any undue preponderance. The service in the past was filled for the most part by Europeans. At present the recruitment is conducted, as I have explained in my reply to-day, on a fifty-fifty basis.

Mr. N. M. Joshi : Is it not a fact that at present there is an undue preponderance of one particular community ? What are the Government doing to prevent that preponderance ?

The Honourable Mr. H. G. Haig : I think the Honourable Member is under some misapprehension as to our policy,—which relates only to 'recruitment' and not to 'promotion'.

Mr. K. C. Neogy : And to the case of "Indians" ? (Laughter.)

RECOMMENDATIONS OF THE CENTRAL BANKING ENQUIRY COMMITTEE.

46. ***Mr. A. Das :** How long have Government under consideration the report of the Central Banking Enquiry Committee ? Have Government decided which recommendations they will accept and which they will reject ? If not, when are Government going to decide it ?

The Honourable Sir Alan Parsons : A statement of the action taken by Government on the various recommendations is under preparation and will be laid on the table during the current Session.

IMPORT DUTY ON VEGETABLE GHEE.

47. ***Mr. A. Das :** With reference to the Resolution of Mr. Bhuput Singh which was accepted by the Legislative Assembly on the 12th February, 1931, regarding the import duty on vegetable ghee, have the Commerce Department taken any action ? If not, why not ?

Have Government addressed any communication to the various Provincial Governments ? If so, with what result ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member is referred to Sir George Rainy's speech in this House on the 12th February, 1931, opposing the Resolution to which he refers. Further consideration of the matter after the adoption of the Resolution by the House left the Government of India still of opinion that for the same reasons no action was called for.

POSITION OF HIGH COURTS IN THE FUTURE CONSTITUTION OF INDIA.

48. ***Mr. A. Das :** Have Government received any reply from the Secretary of State regarding the Resolution of Mr. Amar Nath Dutt, dated the 17th September, 1931, regarding the position of High Courts in the future constitution of India ? If so, will the reply be laid on the table of the House ?

The Honourable Mr. H. G. Haig : The answer to the first part of the question is in the negative. The second part does not arise.

COST OF SALUTES IN HONOUR OF INDEPENDENT CHIEFS ON THEIR ARRIVAL IN AND DEPARTURE FROM DELHI.

49. ***Mr. A. Das :** (a) What is the cost incurred by Government per salute which is fired when an Independent Chief arrives at or leaves Delhi ?

(b) What is the total cost incurred for the last five years giving the amount for each year separately ?

(c) Do Government propose to consider the advisability of stopping this expenditure with the consent of the Princes concerned while the country is passing through an acute financial distress ?

Mr. H. A. F. Metcalfe : (a) Salutes for Indian Ruling Princes vary from nine guns to 21 guns. The average cost of a round is Rs. 3. The cost of a salute of 11 guns is therefore Rs. 33.

(b) The information cannot be procured without an expenditure of time and labour which would be incommensurate with the value of the results obtained.

(c) With the consent of the Princes salutes are already dispensed with on the occasion of informal visits. Government do not see their way to go further than this.

Mr. N. M. Joshi : Who pays the cost of the firing of these guns ?

Mr. H. A. F. Metcalfe : The cost is paid by the Government of India, Sir.

Dr. Ziauddin Ahmad : Is it not a fact that the Government of India ask the Ruling Chiefs to pay for the expenses of their salutes ?

Mr. H. A. F. Metcalfe : I am not aware of that. There is no information on the point.

Mr. B. Das : Did the Davidson Committee inquire into this aspect of the question and did they recommend that the Princes will bear the cost of their salutes in the future after the Federation when they visit the British India ?

Mr. H. A. F. Metcalfe : I am afraid I have no information on that point, but I will procure it if it is required.

Mr. K. Ahmed : Is the Honourable Member aware that in the town of Calcutta (Fort William) the cost of each salute is Rs. 10 ?

Mr. H. A. F. Metcalfe : My information is that the cost of one round is Rs. 3.

Mr. K. Ahmed : Is it not a fact that the cost was realised at the rate of Rs. 10 for one round from the Municipality of Calcutta ?

Mr. H. A. F. Metcalfe : I am afraid I have no information.

ESTABLISHMENT OF A SUPREME COURT IN INDIA.

50. ***Mr. A. Das :** What steps have Government taken regarding the Resolution of Mr. B. R. Puri for the establishment of a Supreme Court in India which was passed on the 10th February, 1932 ?

The Honourable Mr. H. G. Haig : A copy of the Resolution and of the debate was forwarded to the Secretary of State for transmission to His Majesty's Government.

Mr. Gaya Prasad Singh : May I know, Sir, if the Government of India have made any recommendation on their own account ?

The Honourable Mr. H. G. Haig : I think not, but I should require notice of that question.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if a reply has been received from the Secretary of State or any reminder has been sent to him ?

The Honourable Mr. H. G. Haig : It is a matter which I imagine will come under consideration shortly in London.

FLIGHT OF GOLD FROM INDIA.

51. ***Mr. A. Das :** Will Government be pleased to state in round number, what the total export of gold is from the time England went off the Gold Standard up to July, 1932 ?

The Honourable Sir Alan Parsons : Approximately 10,317,000 fine ounces of gold were exported from India between the 22nd September, 1931 and the 31st July, 1932, of a value of approximately 78 crores.

THIRD CLASS BOOKING OFFICE AT THE DELHI RAILWAY STATION.

52. ***Mr. A. Das :** (a) Are Government aware that often third class passengers have to wait for over half-an-hour in getting tickets at the Delhi Junction station ? If so, having regard to the large traffic at Delhi, are Government prepared to ask the East Indian Railway to order that third class booking should remain open at all hours of the day up to about 10 p.m. ?

(b) Is it a fact that the third class booking office at Delhi is open to the public only for half-an-hour before the departure of each train ?

Mr. P. B. Rau : (a) and (b). The Agent, North Western Railway, reports that booking offices at Delhi Junction are open throughout the 24 hours. No complaints of third class passengers having to wait half-an-hour to obtain tickets have been made to the supervising staff at Delhi Junction.

Mr. B. Das : Is not the complaint made by an Honourable Member on the floor of this House a serious complaint and will the Honourable the Financial Commissioner kindly take note of it ?

Mr. P. R. Rau : I would like to know whether the Honourable Member himself has experienced such a difficulty ?

Mr. B. Das : When a Member puts a question, is it not a serious allegation ?

Mr. P. R. Rau : As a matter of fact, the Agent, North Western Railway, reports that the Booking Offices at Delhi Junction remain open throughout the 24 hours. The recommendation is that they should remain open up to 10 P.M.

Mr. Lalchand Navalrai : Is it necessary that the Member should have personally experienced that difficulty ? Is it not enough if he learns it from his constituency or from other people ?

Mr. P. R. Rau : I have made inquiries on the point and I find that no complaints have been received.

Dr. Ziauddin Ahmad : The question which the Honourable Member is expected to answer is whether it is or it is not a fact. The question is not whether the complaint has been received. The complaint is already in the question.

Mr. P. R. Rau : It is a fact that the Booking Offices remain open all the 24 hours.

WRITING OFF BAD DEBTS OF ASSESSEES.

53. ***Mr. A. Das :** (a) With regard to the answer given to question No. 310 on the 12th February, 1932, will Government state whether the Privy Council decision referred to in the answer has been given. If not, when is it expected to be given ? If already given, how will it affect the present practice as to when an assessee is entitled to write off a bad debt against his profits ?

(b) Do Government intend to bring forward any legislation to set this matter at rest in the various provinces ? What is the present practice in each province about this matter ?

The Honourable Sir Alan Parsons : (a) The decision has been given and confirms the existing practice of the Income-tax Department.

(b) In the circumstances there is no necessity to legislate on the subject. The present practice, so far as the Government are aware, is generally in conformity with the Privy Council decision, which is in itself in accordance with the previous instructions of the Central Board of Revenue.

DECISION OF CALCUTTA HIGH COURT ON A CASE IN CONNECTION WITH THE CHILD MARRIAGE RESTRAINT ACT.

54. ***Mr. A. Das :** Has the attention of Government been drawn to the case of the Calcutta High Court decided on the 6th April, 1932, and reported in the *Leader* of the 9th April nullifying the Sarda Act to the effect that under the two Acts of Parliament, namely E. I. C. Act of 1780 and E. I. Act of 1797, which are still unrepealed, nothing could curtail the right and authority of a Hindu father giving his daughter in marriage ? What steps do Government intend to take in this connection ?

The Honourable Mr. H. G. Haig : Government have seen the judgment of the Calcutta High Court referred to. The Honourable Member's question gives a wholly wrong impression of that judgment, which neither affects the Child Marriage Restraint Act in any way, nor contains any reference to the provisions of the East India Company Acts of 1780 and 1797. The last part of the question does not arise.

NEED OF A SHED AT BENARES CANTONMENT RAILWAY STATION.

55. ***Mr. A. Das :** With reference to the reply to starred question No. 566 on the 18th February, 1931, regarding the provision of a shed on the second platform of the East Indian Railway Station at Benares, will Government please state what reply has been received from the East Indian Railway ? If no reply has been received, do Government propose to send a reminder and get a reply soon ?

Mr. P. B. Ran : I am informed that a shed has been provided.

RECOMMENDATIONS MADE BY THE ARMY SUB-COMMITTEE OF THE CENTRAL RETRENCHMENT ADVISORY COMMITTEE.

56. ***Mr. A. Das :** (a) Will Government please state in a tabular form as to which of the recommendations of the final report of the Sub-Committee of the Central Retrenchment Advisory Committee on Army Government have been able to accept and which they have rejected, giving the reason for the latter ?

(b) In particular what retrenchment has been effected in the value of stocks in hand which was 283.65 lakhs on 1st April, 1928, and increased to 3,20.81 lakhs on 1st April, 1931 ? What was the total value of each stock on 1st April, 1932 ?

(c) Have Government closed the Chemical Defence Research Department which was started about three years ago with staff brought over from England and which would effect a saving of Rs. 75,000 a year ? If not, why not ?

Mr. G. R. F. Tottenham : (a) A statement is laid on the table.

(b) The value of Factory stocks in hand on the 1st April, 1931, was Rs. 3,28.74 lakhs, not Rs. 3,20.81 lakhs. I am afraid I cannot at present give a specific figure of the reductions made. The whole subject is still under examination and the process of reduction must be gradual ; but, as a preliminary indication of what has already been done, I may mention that the amount provided in the budget estimates for the purchase of materials during the current year is lower than the corresponding figure for 1931-32 by about Rs. 5½ lakhs.

I do not understand exactly what the Honourable Member means by "each stock", but I lay on the table a statement showing the approximate value of the stocks held in each factory on the 1st April, 1932.

(c) As the Honourable Member will see from the statement referred to in part (a), certain important experiments remain to be completed. It has therefore been decided to retain the staff, with the exception of one officer, for the present. The question of abolishing the entire establishment will be taken up again next year.

Statement showing the action taken or which it is proposed to take on the recommendations made in the Final Report of the Army Retrenchment Sub-Committee.

Recommendation.

Action taken or which it is proposed to take.

CHAPTER II.

FINANCIAL CONTROL.

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| <p>1. The normal tenure of the Financial Adviser's appointment to be extended from 3 to 5 years.
(Paragraph 15, page 8.)</p> | <p>The term of office of the present Financial Adviser has been extended for another 3 years which is generally in agreement with the suggestion made by the Committee.</p> |
| <p>2. The heads of accounts to be reviewed so as to eliminate anything not essential.
(Paragraph 17, pages 10-11.)</p> | <p>Action has been taken to review the heads of account so as to eliminate anything not essential. The result of the review is being communicated to the Director of Army Audit for his concurrence. It is expected that the simplified heads will be shown in the budget and accounts for the year 1933-34.</p> |
| <p>3. To consider the question whether general information should be given in the Army Estimates on the lines given in some of the appendices of the British Army Estimates.
(Paragraph 17, page 11.)</p> | <p>Information on the lines of that contained in Appendix II of the British Army Estimates is already given in the Army Estimates—see page 25 of the Army Estimates for 1932-33. The question whether information on the lines of some of the other appendices to the British Army Estimates should be given in the Army Estimates is under consideration.</p> |
| <p>4. An Index to be included in the Army Budget.
(Paragraph 17, page 11.)</p> | <p>An index is being prepared for inclusion in future Army Estimates.</p> |
| <p>5. Accounting or adding machines to be introduced in compilation sections of the Military Accounts Department where their employment would lead to economy.
(Paragraph 17, page 11.)</p> | <p>An extensive experiment is being carried out in mechanical accounting centrally in Delhi. It is too early as yet to judge whether this will prove a success. If the experiment is successful, a considerable reduction in clerical establishment would result.</p> |
| <p>6. Audit officers to use their powers in full in waiving objections in cases of minor mistakes where no principles are involved and there is no risk of recurring loss.
(Paragraph 17, page 11.)</p> | <p>The attention of the officers concerned has been drawn to the necessity for the fullest exercise by them of their powers within the limitations imposed.</p> |

Recommendation.	Action taken or which it is proposed to take.
<p>7. Examination be made into the necessity for a full audit on all accounts originally prepared by the staff of the Military Accounts Department. (Paragraph 17, page 11.)</p>	<p>The recommendation of the Committee has been accepted in principle and an experiment is, with the approval of the Auditor General, being tried in the office of the Controller of Military Accounts, Northern Command, of reduced audit in the case of bills prepared by the Military Accounts Department and certain other bills such as pay bills of warrant and non-commissioned officers, etc. The general question of curtailing audit as a permanent measure will be considered next year on the basis of the result of this experiment, but the financial effect of anything that can be done in this direction will, it is considered, be negligible.</p>

CHAPTER III.

ORDNANCE SERVICES.

<p>8. Possibility of closing down certain arsenals and depots. (Paragraph 2, page 12.)</p>	<p>It has been decided to close down the Ordnance Depot at Agra and to amalgamate the Clothing Depot at Quetta with the Quetta Arsenal. Anticipated saving in 1933-34, Rs. 44,500.</p>
<p>9. At least 50 per cent. of the store keeping establishment to be Indians. Introduction of Indians to reach this proportion to be very materially accelerated. (Paragraph 3, page 13.)</p>	<p>For military reasons it is essential that a considerable part of this establishment should consist of military personnel. An experiment will however be tried of replacing British Other Ranks by Indian soldiers. These will not count against the 25 per cent. of the establishment, the Civilian Indianisation of which has already been authorised but will increase the total Indianisation to about 33 per cent.</p>
<p>10. Stocks of working stores to be reduced. (Paragraph 4, page 13.)</p>	<p>The necessity for reducing stocks to the absolute minimum required is fully realised. The store margins form part of the war reserves, and are not taken into account in diminution of these reserves.</p>

Reductions are also being made in the stocks of a limited number of items which are rapidly procurable. Generally speaking store margins as now fixed are as small as possible and only just cover fluctuations in supply and demand.

Recommendation.	Action taken or which it is proposed to take.
<p>11. Reduction or elimination of working stocks which exceed requirements or are no longer wanted. (Paragraph 4, page 14.)</p>	<p>As a general rule no stocks are maintained unless similar equipment is on charge of units. The question of the disposal of definitely unwanted stores is taken up annually on an all-India basis after the annual review of stocks. A careful scrutiny of all excess stocks has recently begun and further consideration will be given to the question.</p>
<p>12. More expeditious disposal of scrap and surplus stores. (Paragraph 4, page 14.)</p>	<p>Generally speaking Army stores of which excess stocks are in existence do not command a ready sale in the open market.</p> <p>Government doubt whether this is possible. The method employed in the disposal of stores is economical and has proved a very fruitful source of income to the State. Any delays which may occur they are few—are necessitated by negotiations for favourable offers.</p>
<p>13. Maintenance Reserves 'A' not to be calculated on the experience of the Great War, but on the conditions which the Army in India will have to meet in the defence of India. (Paragraph 4, page 14.)</p>	<p>The recommendation is accepted.</p>
<p>14. Mobilization equipment to be held only for units mobilizing in the first month. (Paragraph 4, page 15.)</p>	<p>Mobilization equipment used to be held for units mobilizing within the first 90 days. This has been reduced to the first 60 days.</p> <p>In view of the disastrous consequences of any inadequacy of equipment at the beginning of a campaign, Government are of opinion that even during the present financial stringency it is not advisable further to reduce mobilization equipment.</p>

CHAPTER IV.

ORDNANCE FACTORIES.

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| <p>15. Government inquiry to be instituted into the possibility of adopting a policy whereby—</p> <ul style="list-style-type: none"> (a) the factories would hand over manufacture to the trade where possible; (b) other Government departments would place orders with factories for articles which the trade in India cannot supply; | <p>From the military point of view the proposals are unacceptable and the appointment of a committee of inquiry is therefore considered unnecessary. There are many objections to manufacturing for other Government departments, the most important of which are that there would necessarily be big delays in adapting machinery, and also on mobilization in changing back to war production, which is the object for which the factories are established.</p> |
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Recommendation.	Action taken or which it is proposed to take.
<p>(c) factories would be put on an accountancy basis in order to compete on terms of equality; and</p> <p>(d) no staff reserve for war would be maintained.</p> <p>(Paragraph 11, pages 19-20.)</p>	<p>The staff reserve for war is, however, being practically abolished (see No. 19 below).</p>
<p>16. Staff to be reduced so as to form a smaller nucleus during peace.</p> <p>(Paragraph 12, page 20.)</p>	<p>See 15 (d).</p>
<p>17. (a) Superintendents to be retained for longer periods.</p>	<p>(a) The committee appears to have been under a misapprehension. Superintendents and Management officers are not normally transferred between factories. In the past when such transfers have taken place they have been necessitated by the exigencies of the service.</p>
<p>(b) One superintendent to superintend both factories in Ishapore.</p> <p>(Paragraph 16, page 21.)</p>	<p>(b) Not acceptable; the work done at the Rifle Factory is entirely different from that done at the Steel Factory.</p>
<p>18. (a) Factory officers to be supplied with cost figures which are of immediate value to them.</p>	<p>The Committee hoped that by these methods that element of competition would be introduced which in commercial life is the greatest help to economy and reduction of costs.</p>
<p>(b) Factory officers to be given a chance of competing by open tender for all Government work which is at present imported.</p>	<p>(a) The best means of achieving this object without radically altering the present system of cost accounts in the factories is under consideration.</p>
<p>(c) A method to be devised of informing the management of prices at which the trade can produce and sell various articles manufactured in the factory.</p> <p>(Paragraph 16, page 22.)</p>	<p>(b) See remarks against item 15.</p> <p>(c) Trade prices are not ordinarily available for warlike stores, which form the bulk of the production of the factories. In certain cases (munitions and lethal weapons), steps are being taken to acquaint factories as far as possible with the home cost of the articles.</p>
<p>19. Periodical review to be carried out at all factories to ensure that—</p>	<p>As regards trade articles of supply, arrangements have been made for factories to quote (in suitable cases) <i>pari passu</i> with the trade</p>
<p>(a) one supervisor could not be used to supervise two jobs; and</p>	<p>The recommendation is accepted and the periodical review will be carried out as suggested.</p>
<p>L156LAD</p>	<p>Anticipated saving in 1933-34 Rs. 3,11,500.</p>

Recommendation.	Action taken or which it is proposed to take.
(b) the supervisory staff is not excessive in view of the work in hand or likely to be undertaken. (Paragraph 17, page 22.)	
20. Practice of sending officers on deputation to England to be suspended.	The practice is of great value in certain cases, but is being restricted to the minimum possible during the present financial stringency.
21. Trained Indians to be substituted, on a definite programme for imported supervisory staff. (Paragraph 17, page 22.)	In technical establishments only those who are technically qualified for the work can be employed, and, other things being equal, preference for appointment is now ordinarily being given to the qualified Indian. It follows that it is impossible to work to a stereotyped programme for the Indianization of the supervisory staff. But all establishments are alive to the principle of Indianization as rapidly as circumstances permit, and Government have recently sanctioned the recruitment of the non-gazetted staff such as foremen and assistant foremen through the Public Service Commission, which, it is anticipated will reduce the number of imported recruits. The existing apprentice training scheme is being modified to produce more practical results.
22. Pay of Indians substituted for British personnel should be fixed with regard to what is paid to Indians with similar qualifications in private firms. (Paragraph 18, page 22.)	The question of the revision of the scales of pay for new entrants, both superior and non-superior, in the Army Services is under consideration. The recommendation of the Committee in this connexion will be kept in view.
23. A report to be called for from each factory at the end of two years showing the cost of the leave concessions and the advantages gained in efficiency and contentment. (Paragraph 20, page 23.)	The recommendation is accepted.
24. Drastic and continuous efforts to be made to reduce factory stocks and stores to more economic dimensions. (Paragraph 21, pages 23-24.)	A drastic reduction of working stocks was made in 1931-32 and further reductions are being made in 1932-33. The whole subject is receiving the most careful attention of Army Headquarters, and the purchase of new material is being reduced to the absolute minimum.

Recommendation.	Action taken or which it is proposed to take.
	<p>In particular the experiment of using indigenous copper is being proceeded with as rapidly as possible, and the holdings of other valuable metals such as aluminium, nickle, tin, etc., are being largely reduced.</p>
<p>25. Coal stocks to be reduced from 6 to 2 months' supply. (Paragraph 22, page 25.)</p>	<p>The recommendation has been accepted.</p>
<p>26. Coal with the most evaporative efficiency to be purchased. Report on the power costs at the Calcutta factories to be called for from an expert. (Paragraph 23, pages 25—26.)</p>	<p>A special inquiry by an outside expert is considered unnecessary. The suggestion has been carefully examined and Government are satisfied that no marked economy can be secured. It is possible that some increase in evaporative efficiency might be obtained by burning different types of coal in new boilers : but the existing boilers still have plenty of life in them and their replacement would involve large capital expenditure.</p>
<p>27. Electric power at Shahjahanpur to be taken from the public supply which is cheaper than by generation in the factory. (Paragraph 23, page 26.)</p>	<p>Under consideration.</p>
<p>28. Possibility of economy by simplification of factory accounts to be examined. (Paragraph 24, page 26.)</p>	<p>An inquiry into the system of Ordnance Factory Accounts was initiated in October 1931, and has not yet reached finality.</p>
<p>29. Capital expenditure to be reduced to the minimum for the present.</p>	<p>Reductions in capital expenditure have been made with a view to reducing it to the minimum for the time being.</p>
<p>Necessity of replacement of each individual machine in the Ishapore Rifle Factory be further considered.</p>	<p>Reductions representing 87 per cent. under new capital and 58·5 per cent. under depreciation have been made during 1932-33, as compared with the 1931-32 budget. The equivalent in cost of these reductions is Rs. 7 lakhs and 11·3 lakhs, respectively.</p>
<p>Laying out extra plant for manufacture of complete machine guns to be reviewed with more than usual caution.</p>	<p>The replacement of machinery at the Rifle Factory, Ishapore, has been suspended to the greatest extent possible, subject to essential upkeep and maintenance of plant. The programme will now be completed in 6 or 7 years instead of in 3 years, as was originally proposed.</p>

Recommendation.	Action taken or which it is proposed to take.
Programme to provide dustless roads at Cossipore to be suspended. (Paragraph 25, page 26).	The purchase of plant for the manufacture of complete machine guns has been dropped.
	The programme for the provision of dustless roads at Cossipore has been suspended at a saving of Rs. 30,000.

CHAPTER V.

INSPECTION OF STORES AND CLOTHING.

30. Inspection of Ordnance Factories, except guns, their appurtenances and ammunition, to be transferred to the Ordnance Inspection Section. Anticipated annual saving Rs. 10,000. (Paragraph 4, page 30).
- The recommendation has been accepted and a report of the financial effect is awaited.
31. Normal percentage of general stores inspected to be reduced from 20 to 10 per cent. (Paragraph 6, page 31.)
- The matter has been carefully considered and the conclusion arrived at is that the suggestion cannot be accepted as a general rule. Suitable instructions have, however, been issued to inspectors with a view to the amendment of specifications and the reduction of the percentage of inspections.
- It is not possible to give an estimate of the savings.
32. Each officer's post in the Inspection Section to be reviewed to see whether a civilian could not be appointed at less cost. (Paragraph 7, page 31.)
- Each post has been reviewed as suggested and it is hoped that in the course of the next few years the total establishment will be reduced to 31, of which 17 will be military officers and 14 civilians.
33. Employment of Indians in place of British civilian officers who receive overseas rates of pay. (There is only one Indian civilian officer). (Paragraph 7, page 31.)
- Except in the case of chemical experts, of whom three are employed, almost every civilian gazetted officer is a specialist in a particular and separate class of military technical equipment, such as optical and scientific equipment and lethal weapons.
- The occurrence of a vacancy in the cadre of civilian gazetted officers is so rare that it would be uneconomical to recruit Indians to be trained for each individual appointment, particularly in those subjects for which such training is not obtainable in India. Appointments on the staff of the Chemical Inspector could, no doubt, be filled in due course from the seven Indian Chemists now employed in subordinate appointments. In other cases suitable Indians will be appointed, when possible, as vacancies occur.

Recommendation.

Action taken or which it is proposed to take.

34. The policy of Indianizing the post of chargemen to be pressed forward more rapidly.
(Paragraph 7, page 31.)
- The policy is accepted and the means of carrying it out are under consideration.
35. Chemical Defence Research Establishment to be closed. Estimated annual saving Rs. 75,000.
(Paragraph 8, page 31.)
- As certain important experiments have to be completed it has been decided to retain the staff, with the exception of one officer, for the present. The question of abolishing the establishment entirely will be taken up again next year.

CHAPTER VI.

AUXILIARY AND TERRITORIAL FORCES.

36. Artillery units in the Auxiliary Force, except where definitely necessary, to be abolished.
- Necessity for arms other than infantry in the Auxiliary Force to be examined with a view to abolition.
(Paragraph 4, page 33.)
- The general question of the reorganisation of the Auxiliary Force, India, has been taken up at Army Headquarters. The recommendations of the Committee have been noted for consideration in dealing with the general question.
37. Establishment of medical and veterinary officers of the Auxiliary Force to be reduced, and services of regular officers to be utilised during training. Reduction of 50 per cent. anticipated, which would result in an annual saving of about Rs. 20,000.
- Not accepted. Regular personnel of these categories have been reduced to a minimum and are not available for Auxiliary Force (India) duties. It is also to be noted that Auxiliary Force Medical and Veterinary officers constitute a potential reserve in case of war.
38. Inquiry to be made as to whether the objects for which the Indian Territorial Force (including the University Training Corps) is raised are, under present conditions, being achieved, and if not, whether by reorganisation the force would be better able to fulfil its functions.
(Paragraph 5, page 34.)
- The suggestion is noted but is not regarded as a retrenchment proposal.
39. Pay of all ranks of the Auxiliary and Territorial Forces to be subjected to the 10 per cent. cut. Estimated annual saving Rs. 2½ lakhs.
(Paragraph 6, page 35.)
- Not accepted. One of the main conditions for exemption from the 10 per cent. cut was that no individual's pay should be cut who drew less than Rs. 480 a year. This would apply to all except a few officers of the Auxiliary Force who only receive pay during training.

It is now being considered whether the periods of training themselves should not be reduced and, if such a step is taken, there would be even less justification for reducing the pay of officers as suggested.

Recommendation.	Action taken or which it is proposed to take.
40. During training officers of the Auxiliary Force to receive pay on new British Service rates. Estimated annual saving Rs. 45,000. (Paragraph 6, page 35.)	Although the rates of pay are higher than those enjoyed by British service officers, Auxiliary Force officers only draw pay for short periods, and it is considered that the total amount drawn is a reasonable return for the work done. Besides, if British Service rates of pay are introduced for officers, it would be logical to introduce them for other ranks also, and this would involve considerable extra expenditure.
41. Effect of curtailment of training period of Provincial battalions of the Territorial Force on the efficiency of the units concerned to be carefully watched. (Paragraph 7, page 36.)	The suggestion is noted but is not regarded as a retrenchment proposal.
42. Staffs at Commands and Districts to be abolished and the work distributed among members of ordinary staff. Estimated annual saving Rs. 70,000. (Paragraph 8, page 36.)	Under consideration with other questions concerning the Auxiliary Force (See item 36).
43. Quartermaster Sergeants of units whose companies are at one station to be reduced. (Paragraph 9, page 37.)	Savings to the value of Rs. 44,000 have been made already on this item; and no further reduction can be made.
44. Examination to be made into the possibility of reducing the staff of Urban units of the Territorial Force. (Paragraph 9, page 37.)	Examined, but rejected. The present Indian permanent staff of the two existing units consists of only 2 Battalion Havildar Majors and 4 Company Havildar Majors.
45. Where a unit is near a source of ordnance supply, clothing and necessities maintained not to exceed the approximate strength of the unit. (Paragraph 10, page 37.)	Accepted in principle. Clothing and equipment may now be held on unit charge up to 5% above actual strength and the local ordnance authorities ensure that these limits are not exceeded.

CHAPTER VII.

MILITARY ENGINEER SERVICES.

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| 46. Rs. 2 lakhs allotted to mechanization buildings not to be diverted to other works.
(Paragraph 2, page 38.) | The use to be made of any savings will be determined in accordance with the usual administrative procedure. Only essential expenditure is being incurred. |
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Recommendation.	Action taken or which it is proposed to take.
<p>47. Expenditure on new works to be confined to completing works in progress and fresh commitments where absolutely necessary. (Paragraph 2, page 38.)</p>	<p>The proposal was put into effect in 1932-33. His Excellency the Commander-in-Chief gives his personal sanction to a new major works.</p>
<p>48. Standard rate of maintenance of buildings to be reduced from $1\frac{1}{2}$ per cent. to $1\frac{1}{4}$ per cent. Estimated saving Rs. 5 lakhs. (Paragraph 3, page 39.)</p>	<p>The recommendation is accepted. The standard rate will be reduced accordingly from 1933-34.</p>
<p>49. Standard rate for maintenance of internal electric fittings to be reduced from 8 to 6 per cent. of capital value. Estimated saving Rs. $2\frac{1}{4}$ lakhs. (Paragraph 3, page 39.)</p>	<p>The proposal has already been put into effect.</p>
<p>50. Amount allotted for maintenance of roads to be reduced by 12 per cent. Estimated saving Rs. 3 lakhs. (Paragraph 3, page 39.)</p>	<p>The recommendation is accepted and has already been given effect to.</p>
<p>51. Amount allotted for maintenance of furniture to be reduced on the lines of other maintenance items. (Paragraph 3, page 39.)</p>	<p>The recommendation is accepted. The rate has already been reduced from $6\frac{1}{2}$ to 5 per cent.</p>
<p>52. Amount allotted for maintenance of miscellaneous services to be reduced on the lines of other maintenance items. (Paragraph 3, page 39.)</p>	<p>This applies to rifle ranges, drains, temporary buildings, defences, repairs to buildings hired under repairing leases, perimeter lighting, etc. Provision is made on the basis of actual requirements. With the exception of the question of the repair of rifle ranges, which is under examination, it is not possible to show any appreciable savings on this item, except in so far as buildings, etc., are given up. Such reductions will automatically effect savings in future budgets.</p>
<p>53. Inquiry to be instituted into the possibility of further reduction in cost of generating electricity. (Paragraph 4, page 41.)</p>	<p>A progressive reduction in the cost of generation has been made in recent years. The possibilities of further reductions are under investigation in communication with the local authorities.</p>
<p>54. Total expenditure on personnel in M. E. S. to be shown in the budget with a separate item of credit for personnel supervising work for provincial Governments. (Paragraph 5, page 41.)</p>	<p>The recommendation is under examination.</p>

Recommendation.	Action taken or which it is proposed to take.
<p>55. Reduction of 10 per cent. to be made in the 240 officers authorised in 1931-1932 budget, and a due proportion of the reduction to be in officers of the R. E. Estimated ultimate annual saving Rs. 3 lakhs. (Paragraph 5, page 43.)</p>	<p>A reduction of 10% in the total number of M. E. S. officers is being made. A 10% reduction of R. E. officers is not possible owing to mobilization requirements, but some reduction is being made.</p>
<p>56. 25 clerks and 25 draughtsmen to be reduced. Estimated annual saving Rs. 70,000. (Paragraph 5, page 44.)</p>	<p>The recommendation is accepted.</p>
<p>57. Examination to be expedited into the possibility of simplifying and reducing accounts works. (Paragraph 6, page 44.)</p>	<p>The examination is being expedited; and it is hoped that a measure of simplification will be introduced in 1933-34.</p>
<p>58. Inquiry to be made into the possibility of reduction in audit processes. (Paragraph 6, page 44.)</p>	<p>The question has been taken up in consultation with the Military Accountant General and the Director of Army Audit.</p>
<p>59. Schedules, on which under the present system contracts are placed, to be revised more frequently. (Paragraph 7, page 45.)</p>	<p>The scrutiny and revision, where necessary, of schedules was specially taken up in 1931. Many schedules have been revised and the revision of the remainder, where necessary, will be completed this year.</p>
<p>60. M. E. S. contracts over Rs. 50,000 to be by open tender, and once a year advertisements to be inserted in the local press inviting firms to apply to be placed on the list of selected contractors. (Paragraph 7, page 45.)</p>	<p>Not accepted. Tenders are now invited by advertisement for works of a specialised nature and works likely to cost more than Rs. 5 lakhs. To call for tenders throughout India for every work costing more than Rs. 50,000 would involve great clerical labour, delay and extra expense, without any increase of efficiency.</p>
<p>61. Local authorities to take the fullest advantage of reductions and economies in the maximum scales of building design and specification. (Paragraph 8, page 45.)</p>	<p>This measure has been in force since 1931. All important scales have lately been revised and reduced.</p>
<p>62. Compensation for inferior accommodation for officers to be paid only in exceptional cases. (Paragraph 9, page 46.)</p>	<p>Accepted. No compensation for a technical deficiency in the scale of accommodation provided will be given in future, so long as the accommodation is reasonable.</p>
<p>63. Necessity for retention of vacant buildings to be examined. (Paragraph 9, page 46.)</p>	<p>This matter has been thoroughly examined. Action is being taken to dispose of all unwanted buildings. The sale of unwanted railway sidings is also being taken up, but the times are not particularly favourable for such transactions.</p>

Recommendation.	Action taken or which it is proposed to take.
64. M. E. S. budget to be shown as a head of the main Army budget under the control of the Quartermaster General. (Paragraph 11, page 47.)	The recommendation is accepted. The present M. E. S. budget is shown as under the control of the Quartermaster General.

CHAPTER VIII.

STAFFS OF ARMY HEADQUARTERS, COMMANDS, ETC.

65. Substantial reductions to be made in staffs. (Paragraphs 5—8, pages 51—53.)
- The question of reducing staffs (including clerical) was gone into thoroughly last year and as a result a saving of about Rs. 12 lakhs was made.

Except in minor matters of regrading no further reduction is considered possible ; in fact protests are already being made that in certain cases the reductions have been excessive.

The following remarks are made with regard to the specific recommendations of the Committee :—

- (a) The appointments of Deputy Assistant Director of Ordnance Services in Districts must be retained. The British Warrant Officer Scheme will reduce the work in the Arsenal from which they are drawn, but will not reduce the work of the Deputy Assistant Director of Ordnance Services.
- (b) The number of full Colonels in the Indian Army Service Corps is being further examined.
- (c) The Chief Engineer of a Command is an essential link and must be retained.
- (d) The grading of officers depends on the work they are required to do. All gradings have been examined and no further regrading is anticipated on a large scale.

66. Indians to be substituted for British clerks and only 25 per cent. of the clerical staffs of commands, etc., to be British. (Paragraph 9, page 53.)

See item 69.

Recommendation.	Action taken or which it is proposed to take.
67. Cost of printing to be closely watched. (Paragraph 10, page 53.)	The matter is still under consideration. Certain economies have already been effected and further considerable savings are hoped for.

CHAPTER IX.

INDIA UNATTACHED LIST.

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| 68. The present system of seconding serving soldiers for duty with the Indian Posts and Telegraphs Department to be abolished. (Paragraph 4, page 57.) | The recommendation is accepted. It has been decided to abolish the 'T' Company, Indian Signal Corps. |
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Indian Corps of Clerks.

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| 69. Indian personnel to be substituted for British personnel of the India Unattached List. (Paragraph 5, page 60.) | Under a comparatively recent reorganisation, the number of Indians in the Indian Corps of Clerks was fixed at about 47%. No further Indianization can be made at present, but the question will be examined periodically. |
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Indian Army Veterinary Corps.

There are only 4 British other ranks in the Indian Army Veterinary Corps, and this small nucleus cannot be reduced at present.

SUPPLY SERVICES.

Indian Army Service Corps.

- 70 British other ranks in the Supply Services have already been replaced by Indians and the further recruitment of British other ranks has been stopped.

TRANSPORT SERVICES.

Indian Army Service Corps.

The policy of gradually replacing British other ranks in Animal Transport units by educated Indians has been accepted and has already made some progress. There are no British other ranks in Camel Transport units. Indians are being trained to take the place of 40 out of the 42 British other Ranks in Mule Transport units.

Recommendation.

Action taken or which it is proposed to take.

The policy of replacing British personnel in Mechanical Transport units by Indians has also been accepted, and a new class of 218 Indian apprentice artificers has been instituted. They will receive special training with a view to replacing the supervising British mechanist class in due course. A special training cadre has also been instituted to enable Indians to qualify for the higher appointments in the Roads Branch of the Mechanical Transport Service.

Remount Department.

A scheme is under consideration for the partial replacement of the 18 British other ranks in the Remount Department.

Farms.

Government have approved a scheme for the Indianisation of 50 per cent. of the managing personnel of Grass Farms.

Indian Army Ordnance Corps.

See item 9 above.

M. E. S. (Furniture and Stores).

The present strength of British other ranks in the Furniture and Stores Branch of the Military Engineer Services is 97. It is proposed to reduce this number to 66 and to give the remaining places to Indians.

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| <p>70. Variations of Indian rates of pay in different branches to be carefully scrutinised to ensure that they are justified.
(Paragraph 5, page 60.)</p> <p>71. Time-scale of promotion of British ranks to be abolished.
(Paragraph 5, page 60.)</p> <p>72. Number of Indians employed in store-keeping establishments of Indian Army Ordnance Corps to be increased from 25 to 50 per cent.
Estimated ultimate annual saving Rs. 2½ lakhs.
(Paragraph 5, page 61.)</p> | <p>A scheme for the revision of the pay of new entrants to the Army Services, both superior and non-superior is under preparation.</p> <p>Recommendations have been submitted for the approval of the Secretary of State.</p> <p>See item 9 above.</p> |
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Recommendation.

Action taken or which it is proposed to take.

73. Recruitment of Indian civilians in the Furniture and Stores Branch to be greatly accelerated with a view to employing Indians in at least 50 per cent. of the posts.
(Paragraph 5, page 61.)

See No. 69 above.

CHAPTER X.

ROYAL INDIAN MARINE.

74. Accounting authorities to examine overhead charges for labour and material, in order that the Bombay dockyard might compete for work from other Government departments.
(Paragraph 4, page 63.)
- A committee of dockyard officers has been appointed to consider the question of overhead charges and war reserve of plant, machinery, etc., in the light of the Retrenchment Committee's remarks. The examination will take some time.
75. Question of the repairs of certain Persian Gulf ships of the Royal Navy being carried out in the Bombay dockyard and not, as at present, by a private firm in Colombo, to be re-opened with the Admiralty.
(Paragraph 5, page 64.)
- Under consideration.
76. (a) Special stores obtained from England to be reduced to 9 months' stock.
- (a) Special stores from England are indent-ed for yearly: they are received at different times throughout the year in which they are required and issued with little delay. Most of these stores are not held in stock for more than six months.
- (b) Ordinary stores of European manu-factured obtainable in India to be reduced to 3 months' stock.
- (b), (c) and (d). The recommendations are accepted.
- (c) Stores of Indian origin procurable elsewhere than in Bombay, to be re-duced to 3 months' stock.
- (d) Stores of Indian origin procurable in Bombay to be reduced to 1 month's stock.
(Paragraph 6, page 64.)

CHAPTER XI.

ARMY DEPARTMENT.

77. Examination to be made into the question whether the work of the department on its formal side could not be considerably lightened. Re-duction to be made of at least Rs. 50,000 a year on the staff.
(Paragraph 3, page 66.)
- The adoption of some of the proposals of the Committee would not secure any real re-duction of work, but would simply result in its transfer from the Department to Branches of Army Headquarters; while others cannot be given effect to without prejudice to the existing constitutional arrangements. It has been decided, however, as an experimental measure,

Recommendation.

Action taken or which it is proposed to take.

by a reallocation of duties, changes in some cases of routine clerks for higher paid personnel, and other miscellaneous expedients, to reduce 1 Assistant Secretary, 1 Superintendent and 10 Inferior servants, and to substitute 9 routine clerks for 11 assistants and clerks, with a consequent annual saving of Rs. 47,780.

CHAPTER XII.

MISCELLANEOUS.

78. Special inquiry to be instituted in regard to the Central Purchase Scheme and the extent to which the Indian Stores Department should purchase on behalf of the Army.

In this connexion the Committee criticised the system of purchase of *ghi* and grain, in that purchases are made through Agents and not by competitive tender.
(Page 68).

79. Investigation to be made into the baggage carried by troops, and report to be made to Government if a 20 per cent. reduction is not possible on the figure of Rs. 197 lakhs.
(Page 69).

80. Revised formula on which M. T. stocks are to be held to be brought into effect as quickly as possible and policy of reducing stocks to be vigorously pursued.
(Page 69).

81. Inquiry to be made whether it would not be a saving to have a M. T. Store Depot in South India.
(Page 70).

Government doubt whether any special enquiry is necessary. A separate purchasing agency for certain military supplies has many undoubted advantages; and the policy already is to purchase through the India Stores Department whenever this can be done more cheaply and without loss of efficiency.

From the purely financial point of view the present system of purchasing *ghi* and grain is economical, because it admits of advantage being taken of day to day fluctuations in prices and also ensures that the quality is up to the required standard.

This is a mobilization question and the whole matter is now being examined under the orders of His Excellency the Commander-in-Chief.

The revised formula for replacement of M. T. stocks is now in operation. The whole question of M. T. stocks is under investigation and the market is being watched regarding sales.

The formation of a separate M. T. Stores Depot, however small, at Bombay or Deolali would entail initial expenditure on building and increased recurring expenditure for the depot staff. Moreover, such a depot would be of little use on mobilisation.

The proposal was fully investigated some time ago. Superficially it sounds attractive; actually it entails additional expenditure rather than economy.

Recommendation.	Action taken or which it is proposed to take.
82. Simplification of work of unit accountants necessary. (Page 70.)	The question has been taken up by the M. A. G.
83. Repair of R. A. F. vehicles to be carried out at Chaklala instead of at R. A. F. Park, Lahore. (Page 71.)	Unacceptable. The matter has been carefully examined by the Q. M. G. and the A. O. C. who are satisfied that no savings would be secured by the adoption of the proposal.
84. Investigation to be made whether bodies for R. A. F. vehicles could be built cheaper in railway workshops. (Page 72.)	No bodies will probably be required for the next two years. Quantities and types cannot therefore be specified and there is no basis for discussion with the railway authorities.

Approximate value of the stocks held in each factory on the 1st April 1932.

Factory.	Value. Rs. (In lakhs).
Ammunition Factory, Kirkee ..	101·89
Cordite Factory, Aruvankadu ..	18·48
Gun Carriage Factory, Jubbulpore ..	42·36
Gun and Shell Factory, Cossipore ..	44·56
Metal and Steel Factory, Ishapore ..	41·74
Harness and Saddlery Factory, Cawnpore	22·21
Rifle Factory, Ishapore	42·65
Clothing Factory, Shahjahanpur	14·00
Total	327·89

INCOME FROM INLAND TELEGRAMS.

57. ***Mr. A. Das :** Has the total of income from postal and inland telegrams increased or decreased from the time the enhanced rates were introduced up to 30th June, 1932, as compared with the same period last year and the year before ?

The Honourable Sir Frank Noyce : The total postage and message revenue during the twelve months ending on the 30th June, 1932, was greater than that during the immediately preceding twelve months. The total for either period is less than that for the twelve months ending on June 30th, 1930.

RAILWAY FINE FUND.

58. ***Mr. A. Das :** (a) Will Government state how much towards the Railway fine fund has been contributed by Indians and how much by Anglo-Indians and Europeans for the last three and a half years giving the amount for each year ?

(b) How much of this money has been spent each year for European Railway Schools and how much for Indian Railway Schools ?

(c) In order to make the distribution of expenditure of the above fund more proportionate having regard to its contribution by Indian and non-Indian servants, what rules, if any, have the Railways made ?

(d) Will Government place a copy of the present rules relating to the expenditure of the above fund on the table of the House ?

Mr. P. R. Rau : (a) The accounts of the Fine Fund and of the Staff Benefit Fund which recently replaced the Fine Fund on the State-managed Railways and certain Company-managed Railways are not maintained so as to show the amount of fines realised from Indians and Anglo-Indians and Europeans separately.

(b) The full information required is not available for all these years, but with regard to 1931-32, I understand that the total money spent out of the Fine Fund or the Staff Benefit Fund by the State-managed and Company-managed Railways on European and Indian Railway Schools during the year amounts to Rs. 6,695 and Rs. 39,747, respectively.

(c) and (d). A copy of the Rules of the new fund will be found in the Library of the House.

Mr. N. M. Joshi : May I ask, Sir, whether it is not a fact that Government had promised to appoint a Committee of the Railway employees to supervise expenditure from the Fine Fund, and if they had so promised, whether such a Committee has been formed ?

Mr. P. R. Rau : I believe the rules of the Staff Benefit Fund provide that expenditure from the Fund will be sanctioned by a Committee constituted partly of members selected by the staff.

Mr. N. M. Joshi : May I ask whether such a Committee has been brought into existence and what is its composition ?

Mr. P. R. Rau : My impression is that the Committee is partly appointed by the Agent and partly elected by the staff.

Mr. N. M. Joshi : May I ask the Honourable Member if he will make inquiries in this matter ?

Mr. P. R. Rau : Certainly, Sir.

Dr. Ziauddin Ahmad : May I know whether any portion of this Fine Fund is spent in giving pecuniary aid to those railway servants who are posted at stations where no schools exist ?

Mr. P. R. Rau : That will be a matter for the Committee to decide.

DISTRICT AND ASSISTANT OPIUM OFFICERS.

59. ***Mr. A. Das :** (a) Will Government be pleased to lay on the table a statement showing the number of District and Assistant Opium Officers ? How many of these are Europeans, Anglo-Indians, Hindus and Muslims ?

(b) Is it a fact that Government intend abolishing opium divisions and sub-divisions in the near future ? If so, do Government propose to take this opportunity for equalising communal representation among the District and Assistant Opium Officers ? In particular, are Government

prepared to give an assurance that no community will altogether be wiped out ?

(c) Do Government propose to utilise this opportunity for economy by retaining in the Opium Department officers who are least costly ?

The Honourable Sir Alan Parsons : (a) A statement is laid on the table.

(b) It is the intention to abolish another sub-division in the near future, but the abolition will afford no opportunity of equalising communal representation. I am unable to give the assurance for which the Honourable Member asks, as the only Hindu in the department has asked to be allowed to revert to his post in his own province.

(c) Economy will be obtained because no compensation will be necessary to the officer reverted to his own province.

<i>Statement.</i>				<i>District Officers.</i>	<i>Assistant Officers.</i>
Europeans	..	..	..	2	2
Anglo-Indians and domiciled Europeans	..	..	..	3	7
Hindus	..	..	..	..	1
Muslims	..	..	..	..	8
Total				5	18

NEW STERLING LOAN.

60. ***Mr. A. Das :** (a) Will Government be pleased to state how much of the new sterling loan recently floated in April, 1932, had to be under-written and what is the total amount of the cost incurred thereby ?

(b) Why was not that loan floated in India ?

The Honourable Sir Alan Parsons : (a) The entire amount was under-written at $1\frac{1}{4}$ per cent. at a cost of £125,000.

(b) Because we wanted to strengthen our sterling resources and because we could borrow more cheaply in London than in India.

Dr. Ziauddin Ahmad : Was it not possible to float the loan in India and transfer the money to England ?

The Honourable Sir Alan Parsons : At that particular time, we could float the loan more cheaply in England and as the Honourable Member is now aware, we have subsequently floated two loans for large sums in India.

REVISION OF THE INDIAN COMPANIES ACT.

61. ***Mr. A. Das :** (a) Will Government be pleased to state whether they intend to revise the Indian Companies Act ? If so, when ?

(b) Are Government aware that a new Companies Act has been passed in the United Kingdom in 1929 ?

(c) Did not Government promise to revise the Indian Companies Act soon after the English Act was revised ?

(d) Are Government aware that the present Indian Companies Act has been found seriously defective in practice ?

The Honourable Sir C. P. Ramaswami Aiyar : (a), (b), (c) and (d). The reply to parts (b) and (c) of the Honourable Member's question is in the affirmative, but the Government of India have again reviewed the question and have reached the conclusion that the present time would not be an opportune one at which to ask the Local Governments and the commercial and other interests to give their attention to this complicated subject. While they think that the whole field of legislation in respect of joint stock companies should be brought under review, the position is not in their opinion, such as to necessitate immediate measures and they consider that it would on all hands be preferable to wait for further development in the constitutional situation before undertaking this work.

Mr. B. Das : Is it not a fact that various Chambers of Commerce have pressed this point and they want early compliance of the same ?

The Honourable Sir C. P. Ramaswami Aiyar : Some Chambers of Commerce have no doubt asked for the revision of the Companies Act and some other representations have been received. But those were sometime ago. Recent opinion is not unanimous as to the necessity for the immediate revision of the Act.

BAUDOT SUPERVISORS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

62. ***Mr. Muhammad Azhar Ali :** (a) Will Government please state whether a system, if any, has been evolved, regulating seniority, precedence and other necessary criteria in the cadre of Baudot Supervisors in the Posts and Telegraphs Department ? If so, will they lay the papers on the table ?

(b) How many classes of Baudot Supervisors are there ? How are the classes determined ? How is seniority, precedence, etc., regulated in the respective classes, when class for class qualifications are identical ?

(c) What is the highest proficiency examination in the cadre ? What remuneration or allowance do the highest standard of Baudot Supervisors draw ?

(d) Is seniority and precedence reckoned in the cadre from date of passing the Baudot Examination, or are there any other extraneous considerations reckoned with, such as, passing of the test prescribed for Telegraph Mastership, etc., when determining the relative position of these officers ? If so, why ?

(e) How are considerations of seniority and precedence determined in the grade of Electrical and Engineering Supervisors, when any of them might possess also the Telegraph Master's certificate ? Does the latter combine to lend additional weight to the former ? If so, why ?

(f) Is the Higher Technique Baudot Supervisor conceded seniority and precedence, although junior in his substantive cadre of Baudot Supervisors, on the ground that the former possesses also the Telegraph Mastership qualification ? Is the former wholly technical and the latter a traffic appointment ? If so, what is the cause or justification for combining the two diverse qualifications in the matter of determining seniority ? Is there any relevant connection between the two functions ?

(g) Are Government aware of the uneasiness and despondency created amongst competent Higher Technique Senior Baudot Supervisors by the system of foisting juniors in their place, who may qualify, subsequently, as Baudot Supervisors on the plea that they possess an additional qualification in having also passed the test prescribed for Telegraph Mastership ? Are Government prepared to remove this anomaly by determining seniority and precedence in the cadre of Baudot Supervisors as an exclusive class or branch by regulating precedence, etc., by the date of passing the Baudot test and discounting all extraneous considerations ? If not, why not ?

Mr. T. Ryan : As regards part (c) of the question the rule is that for the purpose of determining the relative seniority, in the cadres of the Engineering and Electrical Supervisors, of those appointed at any one time, there are two groups, namely, (1) telegraphists and other departmental candidates and (2) direct recruits. Seniority in each group is determined according to the total marks obtained at the final examination ; but all candidates selected from group (1) are given seniority over those in group (2), irrespective of the number of marks obtained in the examination. All the Engineering Supervisors appointed after one examination rank senior to those appointed after a later examination. The rule does not provide for any credit being afforded to a candidate for having also passed the Telegraph Masters' examination.

As regards the rest of the question, the regulations bearing on the subject are at present being reconsidered in consultation with the representative service unions, and I am therefore not in a position at present to give a detailed reply to the Honourable Member's question.

GRANT OF FACILITIES TO THE EMPLOYEES OF THE LAHORE CURRENCY OFFICE FOR JUMA PRAYERS.

63. ***Shaikh Sadiq Hasan :** (a) Will Government kindly state if any Government officer in India has the authority to disallow any Muslim employee of Government to say the Juma prayers ?

(b) If not, will Government please state if the Muslim employees of all the various branches of the Lahore Currency Office are provided facilities to say their Juma prayers ?

(c) If the answer to part (b) above is in the negative, are Government prepared to issue immediate instructions to the Currency Officer, Lahore, to remove all hindrances in their way to say the Juma prayers ?

The Honourable Sir Alan Parsons : (a) and (b). The position is that it is possible to give the Muslim employees in the General Branch of the Lahore Currency Office facilities for their Juma prayers but not to those in the Treasurer's Branch where the conditions of work are such that no employee can leave his room until his day's work is over and he has given a satisfactory discharge of the monies entrusted to him.

(c) No.

Dr. Ziauddin Ahmad : What is the answer given by the Honourable Member to parts (a) and (b) ?

The Honourable Sir Alan Parsons : It is not really a matter whether Government officers have authority to disallow any employee

from saying his prayers, but only whether Government officers can say to their employees that they must not leave office at a particular time.

Dr. Ziauddin Ahmad : Does not saying that you must not leave office at prayer time amount to saying you must not offer prayers ?

The Honourable Sir Alan Parsons : The effect may be the same. But if we gave any orders to that effect, the result would be that it would be impossible to employ Muslims in the Treasury Branch of this particular office and I do not think that that would be desirable.

Sardar Sant Singh : Then employ the Sikhs, and we won't give any trouble.

INVESTIGATING INSPECTORS ATTACHED TO THE OFFICE OF THE POSTMASTER GENERAL, BOMBAY.

64. ***Sardar G. N. Mujumdar :** (a) With reference to the reply to unstarred question No. 86 of Mr. N. C. Kelkar, answered on the 15th February, 1928, are Government aware that Messrs. S. V. Panwalkar and P. R. Gokhale, who were originally recruited as clerks for the Circle office, have been appointed in Selection Grade posts as Inspectors, Railway Mail Service, in the Bombay Circle ?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state whether the appointments were in contravention of the assurance given to the House by the Director-General of Posts and Telegraphs in reply to the question of Mr. Kelkar quoted above ?

(c) If so, are Government prepared to take steps to rectify the wrong done to the men in the Divisions ?

Mr. T. Ryan : (a) Yes, if by Circle Office the Honourable Member means the late Railway Mail Service Western Circle Office.

(b) No, since the two officials were appointed as Inspectors, Railway Mail Service, not because they were officials of the Circle Office but because they had passed the qualifying examination for appointment to that cadre.

(c) Does not arise in view of reply to part (b).

HOURS OF WORK PER WEEK FOR TRANSIT SECTIONS OF RAILWAY MAIL SERVICE.

65. ***Sardar G. N. Mujumdar :** Will Government be pleased to state the standard laid down for fixing the hours of work per week for Transit Sections of the Railway Mail Service, as has been laid down for Sorting Sections ?

Mr. T. Ryan : No definite standards for Transit Sections have been laid down, but as a rough guide weekly working hours of 42 and 48 hours for night and day sections, respectively, have been adopted.

RETENTION IN SERVICE AFTER CONVICTION OF A TRAVELLING TICKET INSPECTOR OF THE GREAT INDIAN PENINSULA RAILWAY.

66. ***Sardar G. N. Mujumdar :** (a) Are Government aware that one Mr. Oodaram Bhulehand, Travelling Ticket Inspector of the Great Indian Peninsula Railway working between Bombay and Poona was convicted

by the First Class Sub-Divisional Magistrate, Thana, and fined Rs. 50 or in default to suffer rigorous imprisonment for ten days for intentionally insulting a passenger on or about the 8th May, 1928 ?

(b) Are Government also aware that the said Ticket Inspector is still serving in the said Railway and in the same post ?

(c) If the replies to parts (a) and (b) above be in the affirmative, will Government be pleased to state the special reasons under which the official is still being retained, particularly in the same post ?

Mr. P. R. Rau : (a) and (b). Yes.

(c) The Agent, Great Indian Peninsula Railway, reports that Travelling Ticket Inspector Oodharam Bulchand was reported to be a good worker and as he had been fined by the Court, it was considered that a warning was sufficient as an additional departmental punishment and he was therefore allowed to continue in the post.

DISTRIBUTION OF SEATS IN THE NEW DELHI MUNICIPAL COMMITTEE.

67. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Hindu population of the New Delhi Municipality is about 39,350, the Muslim population is 12,350, the Sikh population is 2,025, and the European population is only a few hundreds ?

(b) Is it a fact that practically the whole of the trade in New Delhi is in the hands of the Hindus and that the majority of the landholders in New Delhi are also Hindus ? If not, what are the actual facts ?

(c) Is it a fact that the Europeans have been provided a seat in New Delhi Municipality ? How many seats have been provided for the Hindus and the other communities in the New Delhi Municipality ?

Mr. G. S. Bajpai : (a) A statement giving the latest census figures is laid on the table.

(b) Government have no information regarding the number of traders and landholders of different communities in New Delhi.

(c) Government are the largest owners of property in New Delhi, and the New Delhi Municipal Committee derives the bulk of its Income from Government grants. In order to ensure to Government an effective voice in the administration of the area under the control of Municipal Committee, there is a majority of members who are nominated in virtue of their office. Unofficial interests are represented by an European, a Hindu, a Muslim and a Sikh.

Statement.

Hindus	..	..	..	46,710
Muhammadans	..	..	..	12,111
Sikhs	..	..	..	2,142

Figures for " Europeans " are not available, but the number of Christians is about 3,541.

ARRESTS OF SRIMATIS JAY RANI AND NIKI DEVI OF DELHI.

68. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that two ladies, Srimatis Jay Rani and Niki Devi of Delhi, were arrested by the Delhi police for distributing pamphlets urging people to use Indian made goods in May or June this year ? On what date were they arrested ; and were

they on bail, or in the lock-up ? Were they acquitted by the trying Magistrate who held that mere distribution of handbills, which urged people to use Indian made goods, could not come under molestation, as defined in section 3 of the Picketing Ordinance ? On what date were the ladies acquitted ?

(b) What steps have Government taken, or propose to take to stop the police acting in this unlawful manner in arresting innocent persons ; and has any compensation been paid to the two ladies for unnecessary harassment, expense, and trouble ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) The two women were arrested on the 26th May, 1932, as the police had reason to consider that they were committing an offence under section 3 of Ordinance V of 1932, by distributing leaflets and verbally advocating the use of Swadeshi articles in front of the shops of dealers in foreign cloth. They were detained in the judicial lock-up as the offence for which they were arrested was non-bailable. The trying magistrate took the view that no offence had been committed under section 3 and they were acquitted on the 9th June, 1932.

(b) The police did not act unlawfully and no question of compensation arises.

Mr. Gaya Prasad Singh : Is it not a fact that in arresting women on a charge which was not proved the police exceeded their authority ?

The Honourable Mr. H. G. Haig : The police cannot guarantee that every case they put forward will result in conviction.

Sardar Sant Singh : Are not the police required to see that the facts which they put forward before a magistrate are true ?

The Honourable Mr. H. G. Haig : Certainly ; the police were under the impression that the offence was committed, but the magistrate took a different view.

Sardar Sant Singh : If the magistrate finds that the facts as laid out before him by the police were not proved, are not the persons who suffered to be compensated therefor ?

The Honourable Mr. H. G. Haig : I cannot accept that doctrine.

Mr. Gaya Prasad Singh : Was this arrest made by the constables or by the Sub-Inspector of Police who is expected to know more of law ?

The Honourable Mr. H. G. Haig : I cannot say that ; but the arrest was made under the law.

Sardar Sant Singh : Was not the Court Inspector required to go into the facts before laying out a *challan* before the magistrate ?

The Honourable Mr. H. G. Haig : No doubt, Sir.

Mr. B. B. Puri : Has the Government made up its mind as to whether the view of the magistrate is correct or that of the police ?

The Honourable Mr. H. G. Haig : It is not a matter which has engaged the attention of the Government of India very deeply.

Mr. B. B. Puri : Has the Government taken any steps to file a revision or an appeal against the decision of the magistrate, because it involves a question of principle ?

The Honourable Mr. H. G. Haig : No, Sir. If the Government took steps to get a reversal of the decision of the court in every case in which the prosecution fails, I am afraid we should be landed in very extensive action.

Mr. B. R. Puri : I quite agree, but that is not what I meant. It is a well-known principle which underlies this particular offence, for these people were hauled up and therefore it was up to the Government to make up its mind....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member will please ask a supplementary question and not make a statement.

Mr. B. R. Puri : I will put it in the form of a supplementary question. Has the Government been able to decide once for all that the facts upon which these people were sent up by the police before the magistrate did really disclose a case either under the Ordinance or under any one of the other Acts ?

The Honourable Mr. H. G. Haig : The question whether an offence has been committed is one of interpretation of facts and that must be left to the courts.

Mr. Gaya Prasad Singh : If it is a fact that two innocent ladies were arrested and detained in prison for some days and they were afterwards released, why do not Government propose to give compensation to them and to punish the police officer who was responsible for the arrest of these two innocent ladies ?

The Honourable Mr. H. G. Haig : It is perfectly true that they were acquitted by the court but Government do not accept the principle that whenever a court acquits accused persons they should be granted compensation.

Sardar Sant Singh : Do not Government accept the well-known principle of law that there is no injury for which there is no remedy ?

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if these pamphlets which they distributed really only urged people to use Indian made things ?

The Honourable Mr. H. G. Haig : It is entirely a question of the circumstances under which this urging took place.

Mr. Lalchand Navalrai : Is it not a fact that they were urging that only and nothing else ? Were these pamphlets seen by Government ?

The Honourable Mr. H. G. Haig : As I have just said it is a question of whether in urging these views in front of shops of dealers in foreign cloth they were committing an offence under the section of the Ordinance.

Mr. Lalchand Navalrai : Is it not a fact that urging people to use Indian goods is no offence ? And what difference does it make if it is done in front of particular shops ?

The Honourable Mr. H. G. Haig : It is a question of intention.

DETENTION OF CERTAIN YOUNG MEN IN THE MUGHAL FORT, DELHI.

69. ***Mr. Gaya Prasad Singh :** Is it a fact that about a dozen young men were being detained about June this year in the Mughal Fort, Delhi, under the charge of the C. I. D., and that no interviews with them were being allowed ? If so, who are those young men, since how long have they been detained, under what law, and on what charges ?

The Honourable Mr. H. G. Haig : Eight men, connected with the revolutionary party were detained during June, 1932, in a lock-up in the Fort which was being temporarily used by the police. Seven were detained for two weeks each and one for a month. Five were charged under the Indian Telegraph Act, two under the I. P. C. and one was detained under section 3 of the Emergency Powers Ordinance of 1932. Interviews with them were not prohibited, and in fact four of them had interviews.

Mr. Gaya Prasad Singh : What were the specific offences with which these young men were charged ?

The Honourable Mr. H. G. Haig : I think, Sir, the charge under the Indian Telegraph Act was of mischief. As to the others, I have not the information with me.

Mr. Gaya Prasad Singh : But that was included in the question.

DEPORTATION OF CERTAIN CLASSES OF PRISONERS TO THE ANDAMANS.

70. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that certain classes of prisoners have been, or are about to be, deported to the Andamans ?

(b) If so, will Government please place a statement on the table, giving the names of prisoners, the Provinces and Districts to which they belong, the specific offences for which they were imprisoned, their terms of imprisonment ; and the dates on which they were deported to the Andamans ?

The Honourable Mr. H. G. Haig : (a) The Government of India have sanctioned the transfer of a certain number of prisoners, convicted in connection with the terrorist movement, from the Jails in Bengal to the Andamans.

(b) They do not propose to call for the information referred to in the question.

Mr. Lalchand Navalrai : Will Government be pleased to state if there is no other place in India nearer than the Andamans where they could be sent without any danger ?

The Honourable Mr. H. G. Haig : Government considered that the best place in which to detain them would be the Andamans.

Sir Cowasji Jehangir : May I ask the Honourable Member whether, in view of the fact that a different class of prisoners is being sent to the Andamans, any special arrangements are to be made for these men, or are they to be treated like other prisoners ?

The Honourable Mr. H. G. Haig : Special arrangements are made. The ordinary arrangements in the Andamans contemplate that after a certain period the convicts go out into the settlement. The arrangement we are making with regard to these terrorist convicts is that they should be detained in the cellular jail.

Mr. Gaya Prasad Singh : Is it a fact that a committee was appointed some time back which recommended that the Andamans should be abandoned as a penal settlement and that this recommendation was accepted by Government ?

The Honourable Mr. H. G. Haig : It has been the policy for some years to reduce the number of convicts in the Andamans.

Mr. K. C. Neogy : Was this action taken at the instance of the Government of India or at the instance of the Secretary of State ?

The Honourable Mr. H. G. Haig : It was taken in consultation with the Government of Bengal.

Mr. K. C. Neogy : Who took the initiative in the matter ?

The Honourable Mr. H. G. Haig : The Government of Bengal.

Mr. B. Das : Did not the Calcutta European Association suggest such a measure ?

The Honourable Mr. H. G. Haig : I am not as familiar as my Honourable friend with all the proceedings of the European Association.

Mr. K. C. Neogy : Is it not a fact that some sort of an assurance to this effect was given by the Secretary of State in reply to a question in the House of Commons before this step was decided upon by Government ?

The Honourable Mr. H. G. Haig : Does my Honourable friend refer to a comparatively recent statement in the House of Commons, within the last two months ?

Mr. K. C. Neogy : Yes, Sir.

The Honourable Mr. H. G. Haig : That was made after proposals had been sent to the Secretary of State by the Government of India and approved by him.

Mr. K. C. Neogy : How is it that non-official members belonging to the Conservative Party get at these things and are in a position to put timely questions in a very adroit manner ?

The Honourable Mr. H. G. Haig : I cannot give any answer about conditions in England.

Mr. C. S. Ranga Iyer : Will Government be pleased to state if any detenus are to be deported to the Andamans ?

The Honourable Mr. H. G. Haig : There is no such intention.

SUICIDE COMMITTED BY MRINAL KANTI ROY CHAUDHURY, A DETENU IN THE DEOLI DETENTION CAMP.

71. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that Mrinal Kanti Roy Chaudhury, a detenu, committed suicide in the segregation cell in Deoli Detention Camp (Ajmer-Merwara) ? When was he transferred to Deoli ? If so, why was he put in the segregation cell ?

(b) Why was the cremation hastily performed in Deoli, in spite of the telegram of Diwan Bahadur Harbilas Sarda, M.L.A., and without waiting for the arrival of his relatives in Deoli ?

(c) Why was a message on this subject, wired by the correspondent of the *Hindustan Times*, not allowed to be delivered to the paper (*Vide the Hindustan Times*, dated 9th June, 1932) ?

The Honourable Mr. H. G. Haig : (a) Mrinal Kanti Roy Chaudhury arrived at the Deoli Camp Jail on the 29th May, 1932. He committed suicide on the afternoon of the 5th June, 1932. He was given separate accommodation outside the Jail at his own request. The facts are fully stated in a communiqué issued by the Government of Bengal on the 8th June, 1932, to which I draw the Honourable Member's attention.

(b) Owing to climatic conditions it was not practicable to delay cremation till the arrival of relatives from Bengal. This was explained to the detenus, five of whom were permitted to be present at the ceremony.

(c) The telegram which purported to repeat a telegram from the detenus was considered objectionable, and was withheld under Rule 15 of the Indian Telegraph Rules.

Mr. K. C. Neogy : On which date was this detenu separately confined ?

The Honourable Mr. H. G. Haig : I shall require notice of that. If the Honourable Member will put down a question, I shall be glad to answer it.

Mr. K. C. Neogy : Is it not a fact that in the communiqué to which my Honourable friend refers it was stated that this particular detenu was apprehensive of bodily injury at the hands of other detenus and that was the reason why he was kept apart from others ?

The Honourable Mr. H. G. Haig : That is so, Sir.

Mr. K. C. Neogy : With reference to the inquest that was held on the dead body of this particular detenu and with reference to the statement made in the finding of the honorary magistrate to the effect that " the chief cause of his act was apprehension of his bodily safety at the hands of his fellow detenus if sent back to live amongst them in the jail ", will the Honourable Member be pleased to state what evidence there is to support this statement of the honorary magistrate ?

The Honourable Mr. H. G. Haig : The deceased, I understand, approached the Superintendent a day or two beforehand and it was on his initiative that he was removed outside the jail.

Mr. K. C. Neogy : Is there any regular evidence on record in this particular case which is required, I think, under section 176 of the Criminal Procedure Code ?

The Honourable Mr. H. G. Haig : The Magistrate conducted a full inquiry and took all the evidence that was available.

Mr. K. C. Neogy : Will the Honourable Member be prepared to place the evidence on the table of this House ?

The Honourable Mr. H. G. Haig : I shall be glad to place on the table the whole order of the Magistrate which is a fairly full document.

Mr. B. B. Puri : Will the Honourable Member be pleased to tell us what the telegram of Mr. Sarda contained and how it was worded ?

The Honourable Mr. H. G. Haig : I do not think that I have it with me at the moment.

Mr. K. C. Neogy : Was any medical examination held of the detenu on his arrival at Deoli ?

The Honourable Mr. H. G. Haig : I think information on that point will be found in this document which I propose to place on the table.

Mr. K. C. Neogy : Is there any regular practice of having detenus medically examined on their arrival at the detention camp and also periodically afterwards ?

The Honourable Mr. H. G. Haig : There is a medical officer in charge of the jail.

Mr. K. C. Neogy : Is a practice like that which I suggest required by Government to be followed by him ?

The Honourable Mr. H. G. Haig : I doubt whether there is a definite rule but Government officers pay special attention to the health of the detenus and in this case there was no doubt that at a very early date the detenu was medically examined.

Mr. K. C. Neogy : Is the Honourable Member aware that about 72 detenus who were associated with him in jail in Calcutta, prior to the transfer of this detenu to Deoli, actually addressed a petition from the Calcutta Presidency Jail to the Governor of Bengal in June last, after this detenu had committed suicide, giving a detailed account of the serious state of the health of the deceased detenu prior to his removal to Deoli and protesting against the suggestion that had been published in the newspapers that he was suspected as a spy by his companions in jail ?

The Honourable Mr. H. G. Haig : I am aware that certain detenus did not accept the finding of the Honorary Magistrate.

Mr. K. C. Neogy : I am not merely referring to that. Is the Honourable Member aware that in that petition a detailed account of the serious state of health in which the detenu was prior to his removal to Deoli was given ?

The Honourable Mr. H. G. Haig : No, Sir : I am not aware of that.

Mr. K. C. Neogy : Will the Honourable Member be pleased to inquire and find out whether such a petition had been received by the jail authorities and whether it was transmitted to the proper quarters and whether any inquiry was made into the allegations contained therein with reference to the state of health of this detenu and his treatment in jail prior to his removal to Deoli ?

The Honourable Mr. H. G. Haig : In the course of the inquiry held by the Magistrate the point of view which my Honourable friend has

just explained to the House was fully placed before the magistrate and it was not accepted by him.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will the Honourable Member allow some other Members to put supplementary questions ?

Mr. K. C. Neogy : I have not finished my series of questions : but I shall do just as you like, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I will give the Honourable Member his chance later : but I see that Mr. Mitra has been waiting for several minutes.

Mr. S. C. Mitra : Is it the general practice in these detention camps to permit detenus to have separate and specific habitation in the jails when they want it, as has been done in this particular case ?

The Honourable Mr. H. G. Haig : I think normally the detenus live in joint barracks. If for any special reason the Superintendent thinks it desirable that any particular detenu should be given separate accommodation that is entirely a matter within his own discretion.

Mr. S. C. Mitra : What was the special reason in this case for giving him separate habitation ?

The Honourable Mr. H. G. Haig : The reason was that he asked for special accommodation.

Mr. S. C. Mitra : What reasons did he give for asking for this separate habitation ?

The Honourable Mr. H. G. Haig : I have just been through that story with the aid of the Honourable Mr. Neogy.

Mr. Gaya Prasad Singh : Was this detenu sufficiently protected from the other detenus at the time he committed suicide ?

The Honourable Mr. H. G. Haig : Yes.

Mr. Gaya Prasad Singh : What then was the motive of his committing suicide, if he was sufficiently protected at the time ?

The Honourable Mr. H. G. Haig : That is one of the curious features undoubtedly of the case.

Dr. Ziauddin Ahmad : Is it not desirable to have a medical inspection of all the detenus at the time of their admission ?

The Honourable Mr. H. G. Haig : At what stage ?

Dr. Ziauddin Ahmad : At the time of their admission.

The Honourable Mr. H. G. Haig : It is probably desirable that whenever they are admitted to a new camp they should be medically examined.

Mr. K. C. Neogy : Will the Honourable Member be pleased to inquire from the Government of Bengal and find out as to whether it is not a fact that this detenu after having been in custody in Bengal for some months developed high blood pressure and later on tuberculosis accompanied by regular hæmoptosis or blood vomiting ?

The Honourable Mr. H. G. Haig : It was suggested that he was possibly suffering from the earlier stages of tuberculosis.

Mr. K. C. Neogy : Did the Honourable Member try to find out whether there was actually any hæmoptosis accompanying other symptoms of tuberculosis ?

The Honourable Mr. H. G. Haig : No : I do not know that this is particularly relevant to the unfortunate question of his suicide.

Mr. K. C. Neogy : My Honourable friend's ideas about relevancy may be different from mine ; but will the Honourable Member further inquire and find out as to whether the detenu had made repeated prayers while in detention in Bengal for expert examination and special treatment and whether his applications were all supported by the medical officer in charge of the detention camp and whether in the beginning all these applications of his were withheld by the authorities and were not transmitted to the proper quarters ?

The Honourable Mr. H. G. Haig : I think the Honourable Member must be content with the promise I have already made.

Mr. K. C. Neogy : Will the Honourable Member further inquire and find out whether it is a fact that his condition became very serious in the detention camp and that the Commandant who was a European suggested that the detenu should be detained in some dry place and as a result he was sent to Deoli ?

The Honourable Mr. H. G. Haig : I am not aware of that.

Mr. K. C. Neogy : Will the Honourable Member find out as to whether it is a fact that after the orders of Government were received for transferring him to Deoli, the Commandant postponed his departure because the detenu was in far too weak a state of health to be removed ?

The Honourable Mr. H. G. Haig : No : I do not propose to make any further inquiries.

Mr. K. C. Neogy : May I know why the Honourable Member declines to make an inquiry into a very serious matter which concerns the death of an unfortunate detenu who was not tried for any offence ?

The Honourable Mr. H. G. Haig : My point, to which the Honourable Member took exception, is that I do not regard these matters as relevant to his death.

Mr. K. C. Neogy : Will the Honourable Member be pleased to make a reference to the Government of Bengal and find out at least one fact, as to whether it is not true that when he was ordered to be removed from the Presidency Jail where he was kept, on his way to Deoli, he had actually to be carried in a sick chair because he could not walk up to the office where he had to sign a paper on the eve of his departure for Deoli ?

The Honourable Mr. H. G. Haig : I would suggest, Sir, for your consideration that as the Honourable Member is anxious to put a large number of questions, which to my mind do not directly arise out of the question that is before the House, he should put them separately.

Mr. K. C. Neogy : I will do that, Sir, if you so direct.

REPRESENTATIVES OF INDIAN CHAMBERS OF COMMERCE FOR THE OTTAWA CONFERENCE.

72. *Mr. Gaya Prasad Singh : (a) Is it a fact that in course of the reply to a letter of the Indian Chambers of Commerce, enquiring whether they will be invited to appoint representatives to attend the Ottawa Conference, Government stated that the Federation have expressly and publicly disassociated their organisation with the whole object of the Ottawa Conference ?

(b) What is the object of the Ottawa Conference, and have the nominees of Government received any instructions on the point ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) Yes, Sir.

(b) The attention of the Honourable Member is invited to the statement made by Sir George Rainy in this House on the 4th April, 1932. The answer to the latter part of the question is in the affirmative.

Dr. Ziauddin Ahmad : May I ask whether membership at the Ottawa Conference was limited only to those persons who would say ' yes ' to every proposal put to them or whether it also included persons who were willing to discuss matters put before them ?

The Honourable Sir C. P. Ramaswami Aiyar : Honourable Members of this House may easily realise the answer to that question is in the negative.

Mr. K. Ahmed : In view of the fact that the *ex-Commerce* Member, Sir George Rainy, admitted that at Ottawa that there should be clear and final conclusions of confirmation arrived at in this Assembly and an undertaking was given by him that nothing will be binding, would it not have been better if the Government of India had asked this Assembly to select their representatives to the Ottawa Conference rather than undertake the responsibility to choose representatives of this Assembly and outsiders, some of whom were not quite fit or proper persons, half-educated, not worthy of the intelligence of this House and of the subject they had to discuss at the Conference and who could not therefore be recognised to deal with the subjects there before the Conference at all ?

The Honourable Sir C. P. Ramaswami Aiyar : When Mr. R. K. Shanmukham Chetty returns he will probably deal with the question that has been put to the House by my Honourable friend, as to whether he is a half-educated man.....

Mr. K. Ahmed : On a point of order, I never said that Mr. R. K. Shanmukham Chetty is a half-educated man.

The Honourable Sir C. P. Ramaswami Aiyar : When Sir Padamji Ginwala's name is mentioned, the House might probably also be able to realise whether he is a half-educated man.

Mr. K. Ahmed : He does not belong to this Assembly : I never said his name either.

The Honourable Sir C. P. Ramaswami Aiyar : He did belong to the Assembly, and my Honourable friend is wrong. As for Seth Haji Abdoola Haroon, I do not know what my Honourable friend has to say of him : he is a man of experience. As for Sir George Rainy I do not think that particular appellation would fit him accurately.

Mr. S. C. Mitra : On a point of order, Sir ; is it the proper way of answering a question as the Honourable the Leader of the House is now answering ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member asked a question and charged the Government with sending to Ottawa half-educated men.

Mr. K. Ahmed : No, Sir : only those of them—some of whom are Members of this Assembly and outsider ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable the Commerce Member is giving him a full answer.

Mr. K. Ahmed : Very kind of him, Sir.

MOTION FOR ADJOURNMENT.

TERMS OF REFERENCE TO THE ADVISORY CAPITATION TRIBUNAL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I have received a notice from Mr. B. Das that he proposes to ask for leave to make a motion for adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows :

“ The unsatisfactory character of the terms of reference to the Advisory Capitation Tribunal.”

I have to inquire whether any Honourable Member has any objection to this motion.

(No objection was taken.)

As no objection has been taken, I declare that leave is granted, and that the motion will be taken up for discussion at 4 P.M., this afternoon.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Alan Parsons (Finance Member) : Sir, I lay on the table a statement containing the information obtained from Accounts Officers in connection with part (a) (i) of Mr. A. Das' question No. 81 on the 1st February, 1932.

**WITHDRAWALS FROM THE GENERAL PROVIDENT FUND FOR INVESTMENT IN
STERLING INSURANCE POLICIES.**

Province.	Compulsory.		Optional.	Total of General Provident Fund.
	Non- Asiatic.	Asiatic.		
Madras ..	4,34,194	13,500		4,47,694
Bengal ..	3,25,048		2,53,408	5,78,456
Bombay	10,94,639	..	..	10,94,639
United Provinces ..	8,47,352	39,558	88,536	9,75,446
Punjab ..	7,61,278	83,354		8,44,632
Bihar and Orissa ..	1,32,422		4,55,658	5,88,080
Central Provinces ..	1,77,518			1,77,518
Burma ..	5,27,743	9,407		5,37,150
Assam	2,47,434	16,218		2,63,652
North-West Frontier Province	98,626			98,626
Accountant General, Central Revenues.	3,26,198		1,70,344	4,96,542
Deputy Accountant General, Central Revenues.	17,338	11,772	1,09,439	1,38,549
Accountant General, Posts and Telegraphs.	21,878		63,922	85,800
Railway Accounts	5,72,748	56,979	10,068	6,39,795
Total ..	55,84,416	2,30,788	11,51,375	69,66,579

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 791, asked by Mr. E. F. Sykes on the 15th March, 1932 ; and
- (ii) the information promised in reply to starred questions Nos. 730 and 733 asked by Sardar Sant Singh on the 9th March, 1932.

RATES FOR COMMON LABOUR IN THE DELHI PROVINCE.

791. The rates paid by private employers for unskilled labour on building work in New Delhi are reported to be in the neighbourhood of 7 annas a day for a man and 5 or 6 annas for a woman. The rates paid by Government for somewhat similar work vary between 7 annas and 9 annas a day for a man, while women receive 7 annas a day.

APPOINTMENT OF SIKHS AS PORTERS IN THE DELHI RAILWAY MAIL SERVICE.

730. (a) (i) 64.

(ii) Nil.

(b) The reply to the first part is in the affirmative. As regards the second part Government consider that the interests of minority communities, including Sikhs, are sufficiently safeguarded by existing orders.

APPOINTMENT OF SIKH PORTERS AND VAN PEONS IN THE RAILWAY MAIL SERVICE, DELHI.

733. (a) Yes.

(b) No Sikh candidate was available in 1930. In 1931 no post of porter or van peon was permanently filled owing to retrenchment. As regards the last part of the question the Honourable Member seems to be under some misapprehension as to the actual terms of the order to which he refers. His attention is invited to the reply given by the Honourable Sir Joseph Bhore on the 9th March, 1932 to his starred question No. 728.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I lay on the table the information promised by my predecessor in reply to question No. 396 asked by Sardar Sant Singh, on the 16th February, 1932.

PAUCITY OF SIKHS IN THE FIRST DIVISION IN CERTAIN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

396. (a) and (b). The details are contained in a statement, I have laid on the Table.

(c) The Commerce, Legislative and Legislative Assembly Departments were not able to appoint a Sikh in the 1st Division either permanently or in a temporary capacity, as no qualified candidates of that community were available. In the Army Department a Sikh was appointed to officiate in the 1st Division.

(d) In no cases were Sikhs superseded in any of the offices referred to.

(e) In respect of Departments which recruit through the Public Service Commission, the new system of recruitment provides for the appointment of external candidates to the 1st Division for a proportion of the vacancies which occur, and this provides an avenue for the employment of members of minority communities including Sikhs in accordance with the principles already laid down by Government. Under rule 5 of the Legislative Assembly Department (Conditions of Service) Rules, 1929, which were published in Part I of the *Gazette of India*, dated the 31st August, 1929, the ministerial staff of the Legislative Assembly Department may be recruited either from among persons already in Government service, or from among persons, who are recognised as qualified by the Public Service Commission. That Department is no doubt aware of the position, and will consider the claims of the Sikh community when the occasion arises.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table the information promised in reply to starred questions Nos. 267, 994, 464 and 466 and unstarred question No. 260 asked in the last session of the Assembly.

CONSTRUCTION OF WAITING ROOMS AT STATIONS ON THE BUKHTIARPORE-BIHAR LIGHT RAILWAY.

267. A waiting room was opened at Bukhtiarpore but was very little used ; in view of this and having regard to the present financial conditions, it is not proposed to construct at present waiting rooms at any other station on the Bukhtiarpore-Bihar Light Railway.

AUCTION OF LAND IN KAROL BAGH AND PAHARGANJ FOR RESIDENTIAL QUARTERS.

994. The Deputy Commissioner, Delhi, has reported as follows :

- (a) A scheme for the auction of the leasehold of plots of land available for building purposes in Karol Bagh is under consideration. No such scheme is at present being considered for Paharganj.
- (b) Only two applications from members of the staff of the Railway Clearing Accounts Office have been received by the Nazul Officer.

RECRUITMENT OF BOY FIREMEN ON THE NORTH WESTERN RAILWAY.

464. (a) Boy Firemen Grade III were engaged during the years 1928, 1929 and 1930 in the following numbers :—

Year.	Hindus.	Muslims.	Sikhs.	Europeans and Anglo-Indians.	Other communities.	Total.
1928	4	..	2	13	..	19
1929	3	3	1	10	1	18
1930	1	2	1	4		8

(b) The Agent, North Western Railway reports that the appointments were made by selection primarily on the basis of merit.

(c) The Rules for the recruitment and training of subordinate staff on State-managed railways which were issued in 1931, and a copy of which is in the library of the House, provide full opportunity to all communities to compete for the posts.

APPOINTMENT OF NON-MUHAMMADANS AS MECHANICAL DRAWING OFFICERS ON THE NORTH WESTERN RAILWAY.

466. (a) The reply is in the affirmative.

(b) The posts are not reserved to be filled by Mohammedans. Appointments of non-Muslims to these posts have been made in the past.

(c) Technically qualified men are required for these posts in the Mechanical Drawing Office, and appointments are made by examination. Recently a Hindu was successful in obtaining an appointment in the Mechanical Drawing Office.

(d) No. I would add that the policy of Government to prevent the preponderance of any community in Railway Service is followed on the North Western Railway.

RETRENCHMENT IN THE MORADABAD ENGINEERING WORKSHOPS.

260. (a) The services of 39 temporary men, including a time-keeper, employed in the Moradabad Engineering Workshop, East Indian Railway, have been terminated since the 8th March, 1932.

(b) No ; only the most junior men have been retrenched.

(c) The emergency cut of 10 per cent. was applied in the same manner and at the same time as for all other Railway staff. The wages have not otherwise been reduced.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to starred question No. 812, asked by Mr. S. G. Jog, on the 15th March, 1932.

FEES CHARGED FROM VISITORS TO STEAMERS.

(a) No. It is understood, however, that at the port of Bombay the shipping companies carrying passengers to Europe charge a fee of Rs. 3 for a visitor's pass to board their steamers on arrival or departure.

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

(e) and (f). No statistics have been compiled and Government have no *locus standi* in the matter, but it is understood that charity benefits in respect of all such collections.

Mr. H. A. F. Metcalfe (Foreign Secretary) : Sir, I lay on the table the information promised in reply to starred questions Nos. 878 and 879 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 23rd March, 1932.

WATER SUPPLY AT AJMER.

878. (a) (i) Yes.

(ii) The water passes from the reservoirs and service wells into tanks from which it flows by gravity into the water system of the city. The capacity of the tanks is as follows :

- (1) 34,000 gallons.
- (2) 3,00,000 gallons.
- (3) 3,00,000 gallons.

The daily consumption of water is about 9 lacs gallons. It is therefore obvious that the water is not stored for several days in little tanks. Arrangements are being made to fence in the area in which the tanks are situated.

(iii) The latest Census figures show the population of Ajmer city to be 1,19,524. In addition to the Municipal pipe supply there are various tanks and wells in the city from which inhabitants draw water. A comprehensive scheme for the definite improvement of the water supply including the setting up of a complete filter plant is under consideration. The sum of Rs. 1,40,000 has been set aside from revenue for this purpose and it is proposed to raise the balance required by a Municipal loan with the approval of the local Government.

(b) (i) Owing to the unfortunate fact that the Birath system has existed in Ajmer city from time immemorial, it is practically impossible to arrange for the removal of refuse and foul water at night. Night soil from private latrines and privies is not removed in carts but by birath sweepers as headloads by back lanes.

(ii) In spite of constant prosecutions it has not been possible to prevent birath sweepers from tipping night soil into foul water carts. To give one set of concrete examples. During the period from February, 1931 to November, 1931 there were 168 prosecutions for this offence. The cases were heard by Honorary Magistrates and resulted in three dismissals and 125 convictions, and 40 cases are pending in the court. The total fines inflicted amounted to Rs. 48-4-0 an average of 0-6-2 per conviction.

(iii) This is a misstatement of fact.

(iv) There is no Health Officer. The water from Bhaonta has been certified as potable in September, 1931. The water from Foy Sagar is chlorinated before issue.

(v) Attention is invited to replies at (a) (iii) and (b) (iv).

(c) This statement is obviously true and has been made by many authorities.

(d) The Local Administration is doing all that is possible to improve matters.

MANAGEMENT OF THE FINANCES OF THE MUNICIPAL BOARD, AJMER.

879. (a) (i) Yes, but the amount written off was Rs. 5,477-10-0 and not Rs. 5,388-1-8. This amount which was outstanding under the head "Advances" in the accounts of the Ajmer Municipality was largely fictitious, due to the fact that until recently the distinction between "Deposits" and "Advances" was not clearly understood or observed in the Municipal accounts and under a misconception the amounts which were in fact "Deposits" were indiscriminately included under the head "Advance". A clerk deputed from the office of the Accountant General, Central Revenues, with an Assistant Accounts Officer of the same office who came to inspect the accounts of the Municipality were unable to trace the items in the old accounts and adjust them nor could any thing tangible be done by the Government auditors in this respect, though they were given access to the records of the Municipality.

(ii) No. The Committee are now making a genuine attempt to put the accounts of the Municipality in order.

(iii) No. The facts are, that a sum of Rs. 3,700 was sanctioned by the Local Government for the maintenance of suburban roads in Ajmer during 1924-25. An extra expenditure of Rs. 337-15-4 was incurred by the Municipality on this account. The excess expenditure was sanctioned by the Local Government.

(b) In view of what has been stated in reply to (a) (ii) above the Local Government do not propose to take any further action for the present.

THE HINDU MARRIAGES DISSOLUTION BILL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Legislative Business. Further consideration of the motion moved by Sir Hari Singh Gour on the 4th February, 1932....

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Mr. President, you will find in the Agenda before us that there are some Bills to be introduced by some Members, but according to some Standing Order these have been entered at the bottom of the list. I ask for permission of the House through you, Sir, that the Bills which are to be introduced should be taken up first. This procedure was adopted in the previous session as well, and so this will not be a new procedure.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Honourable Members are aware that the Chair has repeatedly said that if some change in the procedure is asked for by the House unanimously, the Chair will not stand in the way. There is, however, one aspect of this question to which the Chair wishes to draw the attention of this Honourable House. According to the Standing Orders, as they stand, Bills for introduction at later sessions of the Assembly are put down on the Agenda after those previously introduced. A departure was made in this procedure in Delhi to allow Bills to be introduced out of their turn with the unanimous consent of the House, and if the House unanimously wishes a similar departure to be made on the present occasion, the Chair will not stand in the way. Before ascertaining the wishes of the House in the matter, the Chair desires to ask when there are so many Members who are affected in the matter of introducing new Bills in the Assembly, why is it that for so many years no effort has been made to amend the Standing Order when the power of doing so vests in the Assembly ? When there are so many Members anxious to introduce new Bills at each session of the Assembly, why don't they take the trouble of giving notice of an amendment of the Standing Order. On the present occasion I will ask the House again if they would allow new Bills to be first introduced, but the Chair wishes to warn Honourable Members that it will not permit the regular procedure provided in the Rules and Standing Orders to be departed from if they will not take the trouble of exercising their privilege of bringing forward for discussion an amendment of the Standing Order.

Is it your pleasure, gentlemen, to allow the introduction stage to be taken up now for those Bills which appear on the Order Paper lower down ? The Chair has already informed the House that it will only allow it if the House is quite unanimous.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Mr. President, I have been considering the remarks that have fallen from the Chair, and with reference to the general observation, I have only to add that it is possible to consider another aspect of the matter, namely, that it may be inexpedient and inconvenient to have a number of Bills pending at the same time...

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order. The Honourable Member is going into the merits of a motion for amendment of the Standing Order which is not now before the House. When it comes up, there will be ample opportunity for a full debate, and

[Mr. President.]

a majority of the House will decide the issue. I will now ask whether the House is unanimous in allowing motions for introducing new Bills on the Order Paper out of their turn. Does any Member object ?

The Honourable Sir C. P. Ramaswami Aiyar : I object, Sir.

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : I also object, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : As the House is not unanimous, it cannot be done.

Further consideration of the following motion moved by Sir Hari Singh Gour on the 4th February, 1932 :

“ That the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion be referred to a Select Committee consisting of Mr. R. K. Shanmukham Chetty, the Honourable the Home Member, Diwan Bahadur Harbilas Sarda, Mr. C. S. Ranga Iyer, Mr. B. B. Puri, Sardar Sant Singh, Lala Hari Raj Swarup, Dr. Zia-ud-Din Ahmad, Mr. B. V. Jadhav, Mr. B. Sitaramaraju, Mr. R. S. Sarma, Sir Lancelot Graham, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

and the amendment* for circulation, moved by Mr. Sitaramaraju.

Dr. F. X. DeSouza (Nominated Non-Official) : It is with some hesitation that I intervene in this debate. The subject is one which concerns the Hindu society exclusively; and some Honourable Members have expressed to me their view that it is a subject exclusively for self-determination by the community concerned. I am in general agreement with that view. On the other hand, as a Member of this Honourable House, I feel it my duty to record a considered vote on all questions that come up before it, to whatever community they may pertain. Were it otherwise, it would follow that, if it be a question, say, which concerns the Indian Christian community, of which I am the sole representative in this House, I should be the only person entitled to speak and to vote. I venture to think that the constitution hardly intended to make me the sole legislator for my community.

Sir, I intervene with the less hesitation, because I feel that I am in a position to throw some light on the measure before the House. The problem which it attempts to solve is on all fours with the problem which faces members of my own faith. Honourable Members are aware that under the Canon law, which is the personal law of all Catholics throughout the world, a validly contracted marriage is incapable of dissolution under any circumstances whatsoever. If to the Hindu a marriage celebrated in one of the approved forms, or *lagna*, as it is technically called, is a *sanskar*, to the Catholics Holy matrimony is a sacrament, and as my Honourable friend, Pandit Satyendra Nath Sen, pointed out—I am glad to see him here today—the etymological origin of *sanskar* and sacrament is identical. While, therefore, in western countries, there has been a tendency in recent years towards the lessening of the marriage tie, the

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

Church of Rome, which incidentally regulates the lives of more than 400 million souls throughout the world, has sternly set its face against that tendency and has rigidly enforced the precept of its founder, "Those whom God hath joined, let no man put asunder". This is the law prevailing throughout the whole of the Catholic world. My Honourable friend, Pandit Satyendra Nath Sen, the other day held up for our admiration the marriage law prevailing in the Irish Free State and quoted with approval the speech of Mr. Cosgrave in the Dail reproaching divorce. That is because the Irish Free State is a Catholic country governed by the Canon law which looks upon marriage as a sacrament. It is, therefore, interesting to see how the Canon law regards marriages celebrated under circumstances contemplated by this Bill.

I have said that, under the Canon law, a marriage validly contracted is incapable of dissolution under any circumstances whatsoever. But to be a valid marriage, obviously it is necessary that it should be contracted between parties both of whom are capable of understanding the nature and consequences of the marital relation upon which they are entering, and capable of giving a reasoned consent. A valid marriage, therefore, cannot be celebrated between parties one or either of whom is an imbecile within the meaning of clause 2 (b) of this Bill. Similarly, marriages celebrated between persons, one or both of whom are by reason of physical incapacity or loathsome and incurable disease, as contemplated in clause 2 (a) and (c) of the Bill, incapable of consummating the marriage, are null and void, because the primary purpose for which the marriage is performed fails from the very outset. In these cases it must be remembered that the disability *ex hypothesi* exists at the time when the marriage ceremony takes place. The marriage is, therefore, void *ab initio*. There can be no question of obtaining a dissolution of such a marriage, because the marriage has never taken place. The proper course in such cases is to obtain a declaration of nullity. It is, however, of no avail if the disability supervenes at a later stage; for in the Canon law, as under the Hindu system, once a marriage, always a marriage; there is no possibility of dissolution.

This, Sir, is the law as administered by the Church of Rome. It received a recent illustration in the case of an Anglo-American marriage between parties whose exalted position gave a certain notoriety to the case. But the law has always been of general application. I am, therefore, prepared to support this Bill on the understanding that the disabilities referred to exist at the time the marriage ceremony is performed and that the remedy provided is not by way of dissolution of the marriage but by a declaration of nullity. Beyond that I am not prepared to go.

I shall certainly not support a measure for giving facilities for making divorces easy, as is said to have been done in Baroda and Mysore.

It is a matter of surprise to me that the Government do not actively support a measure of this restricted scope. Their attitude with regard to legislation of this nature is contained in the memorable pronouncement made by the late Home Member. In his inimitable language he said:

"Government must consider closely their own position and that of the general public. It would in their opinion be a dereliction of duty on their part to support legislation fundamentally affecting the prejudices and sentiment of a vast majority of the population without the clearest and most convincing proof that not only will such legislation be acceptable but that it is urgently demanded."

[Dr. F. X. DeSouza.]

Sir, this attitude astonishes me. When public opinion attains such a pitch as is here described, there will be no need for Government support; the public will have embodied the practice in their daily usage which itself will have the force of law. The fact is that the Government of India have in recent years virtually abdicated its functions in the domain of social legislation, and to that extent forfeited its claim to be regarded as a civilised and a civilising Government. No wonder, then, that so conservative a statesman as the Marquess of Lothian stated in a recent interview that in his view, until the advent of a Nationalist Government, social reform will be in a state of arrested development in this country.

I am equally surprised at the attitude of enlightened statesman like my Honourable friend, Diwan Bahadur T. Rangachariar, who I regret is not here today, but who, in the course of the debate, moved the House to tears by drawing attention to the action of an inexperienced English Magistrate who ordered the *Mangal Sutra* of a married lady to be attached in payment of a fine, but he had no tears to spare for the woes of a girl, neither maiden, nor wife, nor widow, condemned to living death, without any hope of liberation till death puts an end to her misery.

It is not as if the ancient texts did not support the position taken up in the Bill. The texts from Narada and Vasishta are cited in the Statement of Objects and Reasons. Mr. Mayne surmises that there were similar texts in Manu also, which were probably deleted under Brahminical influence. But, Sir, these texts, sacred as they are rightly held to be, were appropriate to the social order to which they applied, but we all know, Sir, that in the words of the poet :

“ The old order changeth yielding place to new
and God fulfils himself in many ways
Lest one good custom should corrupt the world.”

And when the new customs supersedes the old, lawyers arise who either discover new texts or interpret old texts to bring the social usage in conformity with the law.

This is the normal course of evolution of social legislation but unfortunately in India the advent of English judges arrested this normal course of evolution. At first English judges were bound to consult the pundits on all disputed points of law and they turned to pundits of the type, shall I say, of my Honourable friend Raja Bahadur Krishnamachari or Professor Satyendra Nath Sen, men extremely learned in the Shastras but somewhat reactionary in their views—I say that with all due deference—and able to support their views by a multiplicity of texts, relevant and irrelevant. Gradually the integrity of the pundits came under suspicion and English judges proceeded to interpret the sacred texts independently of the pundits. Mr. Mayne in a memorable passage has pointed out how in this process English judges being out of touch with Hindu society, where the law had outgrown the authorities, pedantically adhered to doctrines whose letter was still existing but whose spirit was dying away. The consequence was, says Mr. Mayne, a state of arrested progress in which no voices were heard unless they came from the tomb. It was as if a German were to administer English law from the resources of a library furnished with Fleta Glanville and Bracton and terminating with Lord Coke.

I should have thought that Government would be ready to step in to undo the mischief done by their judges. The tendency in all early systems of law is to regard woman as almost a chattel. Early Roman law dealt with her very much as Manu deals with her. She had no personal or proprietary independence. The law placed her in the *patria potestas* of her father before marriage; after marriage she passed in *manum viri*, that is in law she became the daughter of her husband and included in his *patria potestas* and on her widowhood she passed to the tutela of her son.

Similarly in English common law, the legal existence of the wife, as a distinct person was almost suspended during her coverture and she was incapable of holding any separate property or asserting any right not only against him but also against others without his concurrence.

How did woman occupying so dependent a position in both these systems develop into the powerful matron of the late republic and Early Empire and into the enfranchised English woman of to-day? If she had to wait till the social consciousness of the masses developed into an insistent demand for urgent legislation, as the Home Member wants us to do, she would have had to wait till doomsday. It was the Roman prætor who moulded the law in accordance with enlightened opinion by invoking the *jus gentium* to override the rigid texts of the *jus civile*. It was the English Chancellor who invoked principles of justice, equity and good conscience to soften the asperities of the common law.

May I, Sir, address an appeal to the Honourable the Law Member not to content himself with winning a forensic victory by devoting his powerful intellect to a technical criticism of the provisions of this Bill, but in the exalted office which he adorns to don the mantle of an English Lord Chancellor of the 18th century and boldly to initiate and actively to support legislation of this kind, taking as the measure of his intervention not the size of his foot as that Lord Chancellor is said to have done, but the degree of the warmth of his heart for the woes of oppressed womanhood.

One word more and I have done. It was said that when the country is engrossed in the struggle for constitutional reform, the Assembly should not allow its attention to be distracted by contentious social legislation. Sir, we are a nation rightly struggling to be free. We claim freedom as our birthright. But with what face can we claim freedom if we refuse it to those who are dependent upon us whose birthright freedom equally is. Some time ago an attempt was made by an American writer to blacken the fair name of Mother India by dwelling on certain blots in her social system as disqualifying her for political freedom. This House made a fine gesture when two years ago it placed on the Statute-book Mr. Harbilas Sarda's Child Marriage Restraint Bill. Is it too much to ask the House to make another gesture to-day by passing this Bill as an earnest of what the Nationalist Government of the future will do in the way of social legislation?

Mr. M. Maswood Ahmad : Sir, I rise to support the motion for the reference of this Bill to Select Committee. I can speak from my own personal experience that there have been cases of great hardship to the

[Mr. M. Maswood Ahmad.]

Hindu women who were deprived of the right of dissolution of marriage. Nobody can deny that a large number of Hindu women are reduced to an utterly helpless condition, which, in my humble opinion, should be avoided. I am glad to say that Islam recognised this principle of the freedom of women 1300 years ago. Sir, I cannot understand what benefit will be derived by recirculation. Much public money will be wasted and one more non-official day will be spent on this Bill. Some day our Hindu friends will have to pass or to reject the measure. Why not they do it to-day ? We have already wasted too many days on this Bill.

Sir, I will ask for the establishment of a convention in this House that religious Bills should not be opposed either by the Government or the members of the communities whom the Bill does not affect. Let the measure be decided by the members of the community whom the Bill affects. If this convention is established and agreed to by all the Members of this House, I am sure, it will go a long way to improve the harmonious relations of the different communities of this great country. Religious Bills should be left entirely to the vote of those whom it concerns. I do not mean to say that nobody except those who are concerned should take part in the discussion also. Everybody is at liberty to express his views, but members of other communities and the Government should not go to either of the lobbies. I shall request the Government and my co-religionists to support me in this by refraining from voting. But of course if Government decides to vote against the Bill, we shall then be compelled to cast our votes in support of the motion of my Honourable friend, Sir Hari Singh Gour. However this procedure is to be followed when the original motion will be voted, but in any case the motion for recirculation should be opposed.

Mr. S. G. Jog (Berar Representative) : Sir, it is really very unfortunate that this Bill, introduced by our present Manu (Hear, hear), is passing through such unfortunate circumstances. This Bill has seen two sessions ; and, if I remember aright, last time a very suspicious atmosphere was created, with the result that the Bill had to be shelved till this session. (*Mr. K. Ahmed* : "For want of a quorum.") Every Honourable Member knows what the reasons were. I am also glad to find that my friend, Dr. DeSouza, as well as my friend, Mr. Maswood Ahmad, have taken an interest in this subject. Sir, as a Hindu, as a progressive Hindu (*Mr. K. Ahmed* : "Hear, hear"), as a man entertaining some reformed ideas on society, I think it is my duty to express my views on this important subject. Sir, any discussion upon the forms of marriage or any question connected with it is of unending interest not only to the Hindu society, but to every society in the world. (*Mr. K. Ahmed* : "Not always.") Authors have written books in our Hindu Shastras, and Rishis after Rishis have come forth expressing their different views on matters concerning marriage. If you read any book upon Hindu law, you will find that there are various different forms of marriage ; and if my friend, the present Manu, I mean Dr. Sir Hari Singh Gour, wants to follow and rely upon the old texts of the Hindu law, it will be very difficult in these days to say which Rishi to follow

and which to disregard. Sir, there is a Sanskrit proverb amongst us which says :

Shrutayashoha bhinnaha !

Smritayashoha bhinnaha !

Naiko rishihi yasya matah pramanam.

If you want to rely upon Rishis, you can get any number of Rishis expressing opinions this way or that way. If you go through the history of our old systems of marriage and if you go through the Mahabharata, your first attention will be called to Draupadi. Sir, at that time polyandry was prevalent. Does my friend, therefore, want to rely on this old custom in the days of the Mahabharata ? Different other forms of marriages are set forth. Apart from the systems of marriages which are approved or disapproved, there are eight forms of marriages mentioned. As years rolled on, and as people began to think and think, and as society changed, all these forms gradually dwindled down and they were only restricted to two forms of marriages. Likewise, in the case of sons we had about eight different categories of sons. There were also sons born of damsels, and those born before marriage ; and those who have studied the Mahabharata probably know that Kunti gave birth to a child when she was a damsel and gave birth to a son who subsequently was called Karma. My only object in drawing attention to these mythological instances is that you cannot rely on what took place in the old days and what was in vogue in those days. We are at present concerned with the present state of our society, with what stage our society has attained, with the question whether the existing marriage customs or ideas do need any change. That is the crux of the whole question. My friend has suggested that in certain three cases there should be a dissolution of marriage :

Nashte mrite pravrajite klibecha patitau patau !

Panchatswapastu narinm pati ranyo vidhiyate !

In those days, the society permitted, on the dissolution of marriage, a second husband.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhamadan Rural) : That is only apparent, not real.

Mr S. G. Jog : That view is expressed by one of the Rishis. Now the crux of the whole question is whether society, as it stands, now needs this change. I do not know what experience my Honourable friend, Sir Hari Singh Gour, has gained during his short sojourn in Japan. He must have studied society there, and probably in his reply he will enlighten us upon the system of marriage in vogue in Japan at present and any subsequent changes brought about recently. However, that is beside the point. So far as I am concerned, Hindu society at present seems to be divided into the higher educated classes and the other people who may be called the masses of Hindu society. The idea of a dissolution of marriage is of greater concern amongst the so-called educated classes. As regards the other classes, they have not yet been able to catch this idea, and so far as I can see they are not yet prepared for this change. Under these circumstances, I am personally in a fix as to whether we should vote in favour of this measure or oppose it. As there is nothing

[Mr. S. G. Jog.]

to show at present as to what society, as a whole, is thinking about this Bill, I feel inclined to support the motion moved by my friend, Mr. Sitaramaraju, that the measure should be circulated for eliciting public opinion.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : But he has not yet moved that ; he is not yet present.

Mr. S. G. Jog : At any rate when this question goes before the public and the women particularly have had the opportunity of discussing the matter and of sending us their opinions, and when in fact we shall have got opinions from all classes of Hindu society, then our hands will be strengthened either way. At present we have got nothing to go upon. If the feeling is created amongst the majority of the community in favour of this change as a result of this discussion, then the object of introducing this Bill, to my mind, will have been gained. I think the Mover of the Bill should remain satisfied for the time being. With these words, I support the motion of my friend, Mr. Sitaramaraju.

Mr. Gaya Prasad Singh : There is no such motion before us yet.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I have only a few words to say on this motion. I have no doubt that the Hindu law does not permit dissolution of marriage or divorce. Sir, in this debate two view points have been put before the House. One would be called the view point of the orthodox side, and the other that of the progressive side. We have heard both sides ; long speeches have been delivered, and long quotations have been given of such a nature that the Chair was constrained at the last session to remark that the House was getting tired. So, Sir, I would not impose any lengthy speech. But I must say that this question has got two sides to it. One is whether we should remain stunted and remain excluded from any further progressive ideas, i.e., whether we should always continue to follow the customs and manners which suited those days when these customs and manners were laid down or go on with the times reasonably. On this point I would be positively against this Bill if this Bill had not been put in a restricted form. I do recognise that to generally allow divorces amongst the Hindus or to invalidate their marriages will be to disintegrate the domestic life of the Hindus. We know how these divorces are playing their worst part in the west. Those who have got information or knowledge of the west and who have seen the divorce courts there do fully know that these divorces are a calamity there. The married life is no life there at all, for men and women are allowed to go to the divorce courts even after two hours of marriage to get it dissolved. Therefore, I do seriously want that the principles and the Hindu ideals that we have must remain in India. We must carry on with those original ideas reasonably and not be swayed away by the glamour of the other countries and ruin ourselves. I would therefore submit that my own opinion with regard to the dissolution of marriages contemplated by this Bill is that if it had been drafted in a general form, asking divorces to be allowed or the marriages to be declared invalid, on general grounds I would have been the first person to oppose it tooth and nail. But the Bill asks statutory sanction for asking for dissolution on the grounds of imbecility, impotency and incurable leprosy. So, I do realize the hardship which is apparent in certain cases where the women are debarred from asking for a dissolution on grounds which are mentioned in clause 2 of this Bill.

Now, these are the exceptional circumstances and are of a nature that one should feel pity on the party concerned. The second point that induces me not to oppose it whole-heartedly is this that it restricts itself to the volition or the choice of the woman herself to come forward and ask for a declaration. We know the old ideals which were based on morality point of view and on the virtuous ideas that women imbibed have happily lived and are carried on strictly up to now and we should not interfere with them but perpetuate them. We know also that the law permits at least this much that on those three grounds there can be a separation or what is called desertion in which case maintenance can be asked for. That being the case, I maintain that if a woman finds that she is not able to remain in the house without making her life absolutely miserable and comes forward with a request that she wants the dissolution of her marriage on these grounds, knowing full well that she may be exposing herself to adverse criticism, then I submit that there should be no obstacle in the way of such a woman. But there is one thing that I should suggest. As I said there is a strong opposition to this Bill from the orthodox quarter and they have put their case very vividly and I also know that on the other side also the progressive view has been clearly put in the House. I think we should not be hasty in sending this Bill to the Select Committee. We must wait to see that the opinion on this question is matured. We should know what the women now-a-days have been thinking of this Bill. I know that education has now spread in India and we know that women have been educated on the lines of the western civilization, therefore some of the women may come forward to condemn those orthodox people who are not in favour of this Bill being passed. But we must know the general opinion of women fully and satisfactorily. I think opinions have yet to be obtained which may be of such a nature as to induce us to agree one way or the other. That is my personal opinion that I have given and I do think that in such hard cases I will go with the progressive view.

The Honourable Sir Brojendra Mitter (Law Member) : Sir, the attitude of the Government with regard to this measure is one of strict neutrality. It is a measure of far-reaching consequences. It proposes to introduce the doctrine of dissolution of marriage into the Hindu Society. On a matter of such importance, Government would not be justified in taking a view which may, on the one hand, be against the general opinion of the community concerned, or, on the other hand, obstructive to necessary reform. Speaking personally, I think it is a humane measure, but nevertheless it is a measure which affects the Hindu community vitally. In these circumstances, without ascertaining the views of the community concerned, Government is not disposed either to support or to oppose the measure at this stage.

***Rao Bahadur B. L. Patil** (Bombay Southern Division : Non-Muhammadian Rural) : Mr. President, I rise to support the amendment moved by my Honourable friend, Mr. Sitaramaraju. Of course, it is my very painful duty to oppose the Bill so ably moved by my Honourable friend, Sir Hari Singh Gour. I, for one, openly declare that I am not orthodox and I stand for social reform, but I oppose the Bill only for this reason that, as the Honourable Sir Brojendra Mitter said, it is a matter of far-reaching consequence and public opinion in this respect should be fully obtained. That is the main reason why I support the amendment and oppose the Bill

[Rao Bahadur B. L. Patil.]

Sir, I think that the Bill is framed chiefly on the grounds of justice, equity and good conscience to a particular section of human beings in India, namely, the women of the Hindu society. If that is so, I might at once remark that this Bill is a half-way measure. There might be cases in which men also desire to get a divorce or dissolution. That aspect of the question is not included in this unfortunate Bill. Then, Sir, there is also another question. As my friend, Mr. Jog, very ably put forward, the Honourable the Mover of this Bill has only taken into consideration the text of ancient writers on this subject ; but I should like to submit that the Hindu law, as it is administered in India today, is not only the text law of ancient writers, but it is a mixture of the text writers as well as the customs and usages of the Hindu society. Those customs and usages are not uniform throughout the whole of India. They differ from province to province and they also differ among different communities and castes of India. For these reasons, I think that it is in the interests of the community itself and in the interests of the Honourable the Mover himself that this Bill should be recirculated for eliciting public opinion. I am glad that the Honourable the Law Member has struck a note of neutrality on the part of the Government and I hope that other non-Hindu Members of this House will also assume an attitude of strict neutrality in this matter and leave this matter to be settled among the Honourable Members concerned.

Mr. Gaya Prasad Singh : I move that the question be now put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is that the question be now put.

The motion was adopted.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, my Honourable friends have already pointed out that my Bill has passed the gamut of two sessions and several days' discussion and I should not have taken up the time of this House to-day were it not for the fact that my friends and my Honourable opponents on both sides of the House, while they recognise the innate justice of the measure for which I plead, feel some hesitation in supporting it on the ground, as some of them have said, that the Bill might be going too far, others on the ground that it does not go far enough. Take for example, my Honourable friend, Dr. DeSouza, who brought to the service of my Bill the canonical authority of his own Church which points out that in spite of the fact that Roman Catholic marriage is a sacrament, it cannot be held a marriage if it is contracted between persons either of whom is not in a position to enter into a contract and that in cases contemplated in clauses 2 and 3 of the Bill when a person is inherently incompetent to perform one of the chief offices of marriage, it cannot be called a marriage either in fact or in law. My Honourable friend was, however, doubtful whether my Bill was not confined only to the incapacity of the contracting parties at the time when the marriage was solemnised. I wish to draw his attention to the words I have used in clause 2 giving to the courts jurisdiction to declare the invalidity of a marriage which postulates that the incompetency must be at the time when the marriage contract takes place, and whether you call it a declaration of the nullity of marriage or of the invalidity of marriage, all I desire to do is that in cases of these extreme hardships, the justice of it everybody recognises, the courts should be armed

with the authority to declare that the conjugal contract had not in fact taken place and that is all that I intended to enact by this measure. I hope, Sir, that those who have any doubt at all on the subject will rest satisfied by the explanation I have given.

Turning now to my other friends, those of us who have listened to the passionate arguments that have come from my normal colleagues and supporters on these benches, I feel that no amount of argument that I can address them will make them a convert to my view. Conservatism is a habit of mind, it cannot be conquered by reason, it cannot be dethroned by argument, it is not open to persuasion. It is oblivious to all sound logic, all reason, all appeal to humanity or to the very elementary rights of humanity. It is impervious even to the wails and cries of those infants who are marched round the marriage post, taken from their cradle when they are not even old enough to walk about unassisted, upon whom is cast the heavy responsibility of marriage tie. When they grow up and become disillusioned, or may I say when they wake up to find that they had been thrown into a position of abject subjection and responsibility, when they are fore-doomed to live and die with a congenital idiot, a man who has been declared by a competent authority to be unable to take care of himself, whom Hindu shastric law enjoins that he is still competent to take care of a wife. If it is to such a congenital idiot and such a congenital lunatic these girls are mated, they have no redress against him and if such is the law, then I can only say that no Government whatever may be its might and power can stand the verdict of history and be characterised as otherwise than an uncivilised and brutal Government. What Government is there on earth that would be impervious to the call of these elementary rights which are denied to these children, rights, the denial of which lead to lifelong unhappiness and misery and subjection. I wish the same spirit which animated the hearts of the pioneers of English reformers in this country would be awakened in the modern Home Member and the Law Member and they would recognise that above the shastric law, above the canon law, there is a supreme law of justice and righteousness, of elementary rights of humanity and of long suffering females which transcends the bounds of shastric logomachy and shastric ratiocination and which can admit of only one reply and that is that our duty is to go forward and help those who are helpless.

It is, Sir, with that feeling and inspired with that hope that I ask
 1 P.M. Members on both sides of this House to support my motion. I am glad, at any rate, that the Honourable the Law Member has made a confession as to his own personal predilections in this matter. He has said that personally speaking he regards this as a humane measure. Will he and the Members who occupy the Government Benches come to my rescue because I am standing here to support a humane measure? I am asking Honourable Members of this House to support me because I am not introducing here a cataclysmic change in Hindu society. I am, as I have pointed out in my Statement of Objects and Reasons, on this occasion seeking to revive an old law which has become encrusted by the lapse of ages, the clearness and the soundness of which should be revived in view of the great injustice that is being done to the feeble and helpless sex. But whatever may be the fate of my measure, I see not in the long distance marching hordes of those sturdy female legislators who will come and occupy seats at present occupied by reactionaries and renegades and who will fight and fight with success for a

[Sir Hari Singh Gour.]

measure bolder and more reforming than what I have the courage to pioneer. I am asked by my esteemed friend, the pillar of orthodoxy the emblem of which you can see imprinted on his forehead, why not wait till then? I ask him this question in return, why should I not do my duty if I feel and feel strongly that my society demands that there should be a social reconstruction, that my society demands that it should outlive its age-long stupor and apathy and launch upon a life of dynamic progress? I say the question is not why I should not wait but the question is why indeed I have waited so long. It is a reform long overdue, it is a reform which the Government should have piloted through this House, it is a reform the justice of which is seen by non-partisan Members of this House who have expressed themselves in no uncertain voice about it.

To one word, however, that has fallen from my friend, Mr. Maswood Ahmad, I must enter a respectful but emphatic caveat. He said that this is a piece of legislation which affects the Hindu society and, therefore, neither the Government Members nor the Members of his community should take any part in this piece of legislation. Sir, I shall be the last person in this House to advocate an apotheosis of this communal spirit on the floor of this House. My Honourable friend, Mr. Maswood Ahmad, will recollect that ten years ago when I was piloting the Mussalman Wakf Bill through this House, it would not have become law but for the assistance I gave in the Select Committee. No Hindu or Muhammadan got up on that occasion and said that as it was a religious trust Bill of the Muslims I should not have taken a leading part but should have abstained from taking any share at all in the shaping of that Bill. Sir, I wish every Member of this House to forget that he belongs to any community. We are all here to legislate, we are all here as Indians for the purpose of serving the interests of India. I, therefore, deprecate any appeal made by my Honourable friend with the best of intentions that in all matters of social legislation the community concerned shall be the sole judge.

Sir, my Honourable friend, Mr. Jog, and others have said that we should sound the community concerned and see whether they are in favour of this Bill. Does my friend as a lawyer forget that if the conscience of the community had been roused to the necessity of this legislation, there would have grown up ages ago a widespread if not a universal custom which would have immediately become the customary law of the land and would not have necessitated this piece of legislation? But my friend must also not forget that so long as you have man-made law and man-made custom, so long as the strong oppress the weak and the males oppress the females, the rights of the females who are our mothers, daughters and sisters are apt to be forgotten. That has been the history of Europe, that is the history of this country, that is the history of my own community. We have made laws to suit ourselves. You and I can marry and go on marrying every time of the day, every day of the month, every month in the year. There is no limit to polygamy. But whereas you can have as many wives as you wish to have, what is the protection you are giving to the wife whom you are deserting and discarding? I ask Honourable Members to reply to this question. Is there any remedy for these unfortunate women whom you discard and desert and who, the shastric law enjoins, are entitled to no share of your estate beyond a bare starving allowance? It is against that that I am protesting and I hope that Honourable Members of this House will take courage in both hands and go

forward with this piece of legislation which will mark an epoch in the history of social progress in this country, and belie the castigations to which Hindu society has been subjected by foreign writers and to which reference has been made, namely, that while Hindus are political firebrands anxious for immediate Swaraj for which they will not wait, in matters of social legislation they are the blackest reactionaries. They will not advance by one single hair's breadth when their own self-interest is concerned and when they have to give the most elementary rights to the female members of their own houses. They are most anxious to take but most unwilling to give. You cannot have it both ways. If you really wish to consolidate Hindu society, if you really wish that there should be a national life in this country, you must reconstruct that side and all communities must join hands in the work of this great national reconstruction. This is a small stone in the grand arch of social regeneration for which I am looking forward and for which I have been in my humble way working during the last twelve years that I have been a member of this House. During these last twelve years on several occasions I appealed to the Government Benches for assistance and I have not appealed in vain. My Civil Marriage Bill of 1923 received statutory recognition with the help of my European friends who felt that they could not conscientiously desist from giving their support to a measure of such transparent justice and I appeal to their successors today that if you feel that I am fighting for justice and bare justice, do not grudge me your vote ; do not hesitate to support this measure, because it is a measure not of social reform, but, as the Honourable the Law Member has put it, a measure of pure humanity. It is on that ground and fortified by that hope that I am sure this House will commit my Bill to Select Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

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

The Assembly divided :

AYES—30.

Bagla, Lala Rameshwar Prasad.
Banerji, Mr. Rajnarayan.
Bhuput Singh, Mr.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Ghuznavi, Mr. A. H.
Hari Raj Swarup, Lala.
Ishwarsingji, Nawab Naharsingji.
Isra, Chaudhri.
Jehangir, Sir Cowasji.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.

Misra, Mr. B. N.
Mitra, Mr. S. C.
Muazzam Sahib Bahadur, Mr. Muham-
mad.
Mukherjee, Rai Bahadur S. C.
Neogy, Mr. K. C.
Pandian, Mr. B. Rajaram.
Patil, Rao Bahadur B. L.
Puri, Mr. B. R.
Raghubir Singh, Kunwar.
Rastogi, Mr. Badri Lal.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.

Suhrawardy, Sir Abdulla al-Mamun.

NOES—23.

Ahmad Nawaz Khan, Major Nawab.

Ahmed, Mr. K.

Allah Baksh Khan Tiwana, Khan
Bahadur Malik.

Anklesaria, Mr. N. N.

Dalal, Dr. R. D.

DeSouza, Dr. F. X.

Fazal Haq Piracha, Shaikh.

Gour, Sir Hari Singh.

Ibrahim Ali Khan, Lt. Nawab Muham-
mad.

Ismail Ali Khan, Kunwar Hajee.

Jadhav, Mr. B. V.

Joshi, Mr. N. M.

Lal Chand, Hony. Captain Rao Bahadur
Chaudhri.

Maswood Ahmad, Mr. M.

Pandit, Rao Bahadur S. R.

Rajah, Rao Bahadur M. C.

Reddi, Mr. T. N. Ramakrishna.

Sant Singh, Sardar.

Sher Muhammad Khan Gakhar, Captain.

Thampan, Mr. K. P.

Wajihuddin, Khan Bahadur Haji.

Yakub, Sir Muhammad.

Ziauddin Ahmad, Dr.

The motion was adopted.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

(Sir Hari Singh Gour was called on to move the motion* standing in his name, but he was absent.)

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I beg to move :

“ That the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration.”

I do so with some trepidation when I remember the remarks of my Honourable friend, Sir Hari Singh Gour, in connection with my attitude on the previous Bill that I was illogical, impervious to reason, reactionary, and all the other things that could be heaped upon my devoted head. But, Sir, in the legal profession there is a trick that if you have not a good case, abuse your adversary ; and Sir Hari Singh Gour, the veteran lawyer that he is, was, in the heat of the debate, unfortunately tempted to adopt the old trick ; but all this is part of the day's work and I, therefore, propose, Sir, to disregard them and, with your leave, to lay before the House a few observations in support of my motion that the Bill be taken into consideration. The original Bill which eventually became law was a direct attack on the tenets of the Shastras. I know it is the fashion now-a-days not to allow speakers to rely too much upon the Shastras or to expatiate on them and everybody in the House is said to be bored when one discussed the Shastras and the injunctions laid therein,

*“ That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be continued.”

but, Sir, so long as this House takes upon itself the privilege and the duty of framing laws relating to the Hindu community, you must refer to the Shastras, because they are the authority, they constitute the personal laws of the Hindu society, and if you want to make any changes in the rules and customs governing that society, you must go to the Shastras and show how far your position in trying to change them is against their tenets. I cannot, therefore, believe that any discussion on the Shastras, however long or wearisome it may appear, would be resented by this House and it would be a calumny to suggest any such thing. Before I proceed further, I shall, in a few words, dispose of a question which, in the early stages of the old Bill, was discussed at some length, namely, that the rule enjoining the marriage *Samskara* before puberty is not a shastric injunction, but a later interpolation in a book intended as a text-book for school boys. Sir, this is not so. As a matter of fact, Aswalayana, Yama, Apasthamba, Samavartha, Daksha, Yagnyavalka, all these Rishis lay down that marriage must be before puberty :

*“ Ashta Varsha bhaved Gowri,
Nava Varsha tu Rohini ;
Dasa Varshad Bhaved Kanya,
Atha Urdhwam Rajaswala.”*

The Honourable Sir Brojendra Mitter (Law Member) : It is very difficult to follow the Honourable Member. Will he kindly speak up ? I cannot follow him.

Raja Bahadur G. Krishnamachariar : I beg your pardon. According to the Shastras, the authority for the position that you must have your girls married between the ages of eight and ten is as follows :—

*“ Ashta Varsha bhaved Gowri,
Nava Varsha tu Rohini ;
Dasa Varshad Bhaved Kanya,
Atha Urdhwam Rajaswala.”*

(*Sir Hari Singh Gour* : “ Shame.”) That is the text, that is the ground-work, that is the basis, that is the authority for the position that girls should be married before attaining puberty. My Honourable friend cries out “ Shame ”. Shame upon whom ? He is the champion of reform of the Hindu society, and that is the respect that he shows to the ancient law-givers of the Hindu society. I did not frame these rules. These Shastras were not framed by me. And he cries out “ Shame ” when they are cited. Shame upon whom ? Upon those people, upon those Rishis whose descendant he professes to be, and whose morals he holds out as a shining example to the world and of which he does not hesitate to take the fullest advantage when he visits foreign countries. A person ought to be ashamed to stand upon his legs in this House and cry out “ Shame ” on his own venerable ancestors and praise them at one time when it suits him—I say suits him deliberately—because in the Bill that has now been ordered by this House to be circulated what did he say ? He said, “ I am not making an innovation, I am only reviving a law which is 2,000 years old ”. The law made by whom ? The law made by those very people upon whose devoted heads he cries out “ Shame ”. You are a Hindu, you call yourself a Hindu.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The Honourable Member must address the Chair.

Raja Bahadur G. Krishnamachariar : I beg your pardon. The fact of the matter is, when I say "you", I don't mean you. I have got to address the Chair in all my observations and I do not mean to be personal. That is the reason why "you" comes. You are out of it. My remarks are impersonal, and "you" is impersonal. Whenever I say "you", it does not mean you yourself.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : You must not address an Honourable Member as "you" and you must address the Chair.

Raja Bahadur G. Krishnamachariar : As against that, as I have been dragged into it, I shall make a present to my friend of what Lord Lansdowne, the Viceroy who was dealing with the Age of Consent Bill to which I shall have to refer in the course of my remarks, said about the Hindu religion :

"Neither here nor elsewhere shall I allow myself to say a word which might seem in the eyes of the Hindu subjects of Her Majesty disrespectful towards the faith which they profess. It is a faith of which some of the tenets are worthy of a place among the articles of the noblest and purest creed professed by the most civilised nations of the world."

That, Sir, is what a foreigner said, and my Honourable friend who has assumed the role of a modern Manu, as my friend, Mr. Jog, observed, starts by crying out "Shame". Shame upon his predecessors ! Interjections like that only deserve to be treated with the contempt they deserve. Coming back to my observations, the first point that I was respectfully submitting for the consideration of this House was that the original Bill, with whatever good intentions it may have been drafted—and you know the saying that the way to a certain place is paved with good intentions—was against the direct injunctions of the Shastras, and this Assembly, I respectfully submit, is not a place where this point could be fully debated though it must be discussed to some extent. I will, however, come to that later. If the original Bill is referred to, it is a peculiar fact that although a good many things had been stated as to the necessity of the Bill, and although very, very strong arguments were put forward by Diwan Bahadur Harbilas Sarda in asking that the Bill should be passed, there is absolutely no reference to the Hindu Shastras therein. Now it is an admitted fact that marriage among the Hindus is a most important religious function and yet there is absolutely no reference to the injunctions laid down in the Shastras regarding marriages and there is not a single reason assigned as to why the Shastras should be interfered with. On the contrary, the Bill was said to be introduced as a sociological necessity for the purpose of preventing early widowhood and also for improving the strength of the race which gradually gets degenerated and effeminate in consequence of these early marriages. (*Sir Hari Singh Gour* : "In consequence of the Shastric Laws.") No, not in consequence of the Shastric Laws. That is what I submit. Diwan Bahadur Harbilas Sarda would not say and did not say. He did not say anything about the Shastras at all for he knew he would be landing himself in a difficulty.

Mr. Lalohand Navalrai (Sind : Non-Muhammadan Rural) : There were many other Members who said so.

Raja Bahadur G. Krishnamachariar : Probably they did. I am not concerned with that. I do not believe, however, that any Honourable Member discussed the injunctions of the Shastras or justified a departure therefrom.

Now, Sir, this is what Manu says : Marriage in the case of girls is the same as *Upanayana* for the boys, and as it is the only sacrament which in their case is performed according to Vedic rites, it should be performed at the same age corresponding to the *Upanayana* for the males, which he lays down to be eight years from the time of conception or as some interpret it, from the time of birth. That, Sir, is my first objection and a serious objection to the old Bill which has become the law of the land. On that ground and on that ground alone I ask this House respectfully that that Act should be amended in the manner I have asked that it should be done.

Now, Sir, there is one important point in connection with this Shastric injunction which I had better dispose of immediately and that is that so far as the term 'marriage' is concerned, it does not mean marriage as understood in Western countries. It is only an irrevocable betrothal, which has got all the features of marriage except consummation. Consummation is a separate *Samskar* and could be performed only after the girl attains puberty. Under the Sarda Act, you cannot have a betrothal before puberty. It is said that the Act does not prohibit it. In Chidambaram, in the Madras Presidency, a Vakil of some standing quite recently performed the betrothal (marriage) in respect of one of his daughters who was, I believe, nine or eleven years old. He and six others were hauled up before the Court and, as a matter of compromise, the Court let go five and fined this Vakil Rs. 10 for having violated the law. That is the law as it stands. When I speak of marriage, I wish respectfully to ask this House to remember that it is only a betrothal as explained above that I am talking about and it is that betrothal which is enjoined before the girl attains her puberty and it is this betrothal that has been proscribed by the Sarda Act.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : May I ask whether the girl goes to the husband's house and stays there after the betrothal ?

Raja Bahadur G. Krishnamachariar : Only on festive occasions she goes and she stays for four or five days and then she goes back to her parents' home. She does not permanently stay in the husband's house until after the consummation.

Now, Sir, my next and most important objection against the provisions of the Act is that it is *ultra vires* this Legislature. I base it on two grounds, first with reference to the Parliamentary Statutes which govern this Legislature and next with reference to the sanction which ought to have been given before the original Bill as altered could have been passed.

Now, Sir, with reference to the Parliamentary Statutes, I think it does not require much elaborate argument on my part to show that this Legislature, not being a sovereign law-making body, has only got certain delegated powers and it cannot go beyond those delegated powers. Now, Sir, under section 84 of the Government of India Act....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : "Do I understand the Honourable Member to argue that this Legislature had no power to pass the Sarda Act, that it is *ultra vires* ?

Raja Bahadur G. Krishnamachariar : Yes.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I cannot see how this argument is relevant to the present issue. The Honourable Member is accepting the Act as it stands on the Statute-book and proposes to amend it. On that issue, I do not see how he can enter into elaborate arguments as to whether the Act is *ultra vires* or *intra vires*.

Raja Bahadur G. Krishnamachariar : If this House did a certain thing, which it had no power to do, it will be one of the grounds for asking this House to correct the mistake which it committed.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member has other remedies for that.

Raja Bahadur G. Krishnamachariar : I have. I don't say that I have not.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : If this House cannot enact it, how can it amend it ?

Raja Bahadur G. Krishnamachariar : It is open to this House to say 'I am convinced that I have made a mistake' and surely the House can correct its mistake and say that it had no authority for what it did.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is irrelevant in raising that issue. The position is quite clear. If the Honourable Member had brought forward a Bill for repealing the Act on the ground that this Legislature had no power to enact it, there might have been something to be said in favour of the view which he has put forward. Even then it would hardly be relevant to do so. If the Honourable Member accepts the Bill and wants to amend it, it is my ruling that the issue which he has raised is irrelevant, and out of order.

Raja Bahadur G. Krishnamachariar : I have got another Bill to repeal that Act.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : When the Honourable Member makes that motion, the issue that he has raised now would be considered.

Raja Bahadur G. Krishnamachariar : Very well, I now pass on to my other argument that the sanction of the Governor General has not been properly obtained, that is the previous sanction.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : If the object of that argument is that the Bill is *ultra vires*, then that also is out of order.

Raja Bahadur G. Krishnamachariar : My object in raising the question of sanction is to point out that one of the conditions precedent has not been satisfied and, therefore, the Bill has not been properly passed.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Still the Honourable Member wants to amend it ? The Honourable Member should proceed to discuss the merits of the motion as to why he wants to amend the Act in the direction embodied in his Bill.

Raja Bahadur G. Krishnamachariar : Very well, Sir. I shall proceed upon those lines. Well, when this Bill was first introduced—I am talking of the original Bill—the Honourable Sir Alexander Muddiman, the then Home Member, said that on behalf of the Government he would oppose every motion regarding the Bill except the one for circulation. Accordingly when the stage came for taking the Bill into consideration, the Honourable the then Home Member (Mr. J. Crerar as he then was) moved for circulating the Bill for eliciting public opinion thereon. At that time certain important statements were made by the Honourable the Home Member which I think ought to be laid before the House. The Honourable Member stated that the Government of India had great responsibilities in this matter. He said :

“ I entirely agree that one of the responsibilities is a very heavy one, namely, where the Government of India has to ensure that where measures undoubtedly impinge very deeply upon the religious ideas and the social customs of very considerable sections of the population, all legitimate interests and all legitimate opinion should be carefully, fully and fairly ascertained. Another part of the responsibility which rests upon the Government of India is to see that such measures are conducive to the end in view.”

One of the fundamental principles of social reform legislation enunciated since 1910—and it was only the other day re-affirmed by the present Law Member—is that unless there is an over-whelming demand for such legislation, no Government will be entitled to launch upon any such measure. I believe Dr. DeSouza, when he was referring to another Bill of my friend, Sir Hari Singh Gour, referred to another and similar statement on behalf of Government. So far as the Law Member is concerned, he too in a way endorsed the position in connection with the other Bill by saying that he would like to know exactly how the country as a whole viewed this legislation. Now, with reference to this legislation, when the Honourable Mr. Crerar (as he then was) moved that the Bill be circulated for eliciting public opinion, it was not agreed to, but was referred to a Select Committee ; so that up till now you do not know exactly what the real public opinion is upon this matter, what are the legitimate sections of public opinion which are affected by this Bill, and which it was the duty of the Government to find out. Then the matter went before the Select Committee, and there an extraordinary thing happened. Originally the Bill was of a civil nature, and it was named the Hindu Marriage Bill. Sir, in that Bill there were conscience clauses—clauses 5 and 6 of the said Bill. But when this Bill went before the Select Committee, they made it a penal enactment and they fixed the minimum age at 14 instead of the modest level of 12 that even Mr. Sarda was willing to go up to, and for what reason ? The original object of the Bill was to prevent child widows among Hindus, but the age was raised by way of a price to take in the Muhammadan community also. If you refer to the proceedings of the Assembly, you will find it stated when the Bill was recommitted to a Select Committee :

“ As for the girl, Muslim opinions—as the Bill now applies to Muslims also—in the Select Committee were dead against any age below 14. Consequently the age was fixed at fourteen.”

Now what was the result ? They began by reforming the Hindu society and then said, “ Well, we will fix the age at 12 years and there is no objection to even 11 years provided this conscience clause is satisfied, and we want it for the avoidance of early widows ”. But when it went up before the Select Committee, they made the age 14—not because the Hindu community wanted it, but by a peculiar mentality they wanted to take in the Mussalmans as well. The Mussalmans were otherwise exceptionally strong in their position and their opposition is always dreaded. There was

[Raja Bahadur G. Krishnamachariar.]

no other way of taking them in except by adopting the age of fourteen which they wanted. They said, "All right". Well, Sir, this is the way in which this reform has been introduced. That is the reform which if we do not accept, we are supposed to be illogical, and not fit for self-government or probably ever for existence in the world as a civilised community.

Sir, as stated above, one of the important reasons why I object to this Act and want it amended is that the age of 14 was fixed without reference to the Hindu community and attempted to be enforced by penal provisions without reference to the Shastras and without reference to the majority of the opinions that were submitted to the Select Committee and to the Legislature. That, I say, is absolutely unreasonable and undesirable, not to use stronger words. In this connection there is an important consideration—I hope I am not out of order in referring to it. My Honourable friend, the Leader of the House, said in his own felicitous language on an important occasion :

"Feeling as I do that Social Reform is essentially a growth from within, and not of compulsion from without, I am against penal legislation in social matters, and if, and as soon as, opportunity arises, I shall make, and co-operate in, attempts to exempt from the provisions of such legislation as the Sarda Act, those Communities and individuals who feel as a matter of conviction that the provisions run counter to their religious faiths and duties. I also hold that in matters affecting particularly the organised and established social life, or the personal law, of any distinctive community, legislation by composite legislatures is wrong, and I shall not countenance or support such Legislation....."

That, Sir, is what my friend, the Honourable the Leader of the House, has enunciated as the principle on which he would act and Providence has now put him in the position from where he could redeem his promise to secure non-interference by the legislature in matters concerning the religious rites and usages of any community. I now respectfully ask him to lead his followers on the other side along that golden path. More especially because so far as this legislation is concerned, it is a compulsory social reform and it is doubly obnoxious owing to the fact that its provisions are imposed by the application of the criminal law, for which there is absolutely no parallel in the history of any civilised country in the world. That, Sir, is another reason why I say that this Bill should be amended. Sir, it is stated that the custom of child marriage is so wicked that it should not be allowed to continue. Now, Sir, of all the communities in India, it is the Brahmin community which is the worst sinner in regard to this matter. That community has persisted these 5,000 years in all its vigour, physically, mentally and morally, notwithstanding this pernicious and degenerate custom and would probably exist another 5,000 years. Unfortunately, however, the community is a *bete noire* of some other sister communities. Well, the easiest way to allow the community to die out is to allow it to continue the custom and thus get wiped out, in terms of the proverb, *Gur se jo mare to zihar kun de*.

I maintain, Sir, that the laws of the ancient Rishis must be respected and cannot be amended except as laid down by them, and this Assembly, I respectfully submit, is not competent to amend the laws laid down by the Shastras, as indeed has been admitted by the Honourable the Leader of the House. Now the way in which the old law-givers have permitted amendment of their laws is that at the beginning of every Yuga, all the Rishis collected together and found out what provisions were appropriate

and should be applied for the coming *Yuga*. Then they retain only those provisions of the law which, in their opinion, was appropriate to the particular *Yuga* and this they did notwithstanding the fact that there were other laws binding on the same community in other *Yugas* and *Kalpas*. In this connection, I desire to bring to the notice of the House an important matter. When the Age of Consent Committee was sitting, a Mahamahopadhyaya, Professor of Sanskrit in Benares, said that just as the old Rishis claimed to enact what should be the law of the next age, similarly the modern legislator has got the right to amend the Shastric laws to suit modern conditions. That is what he gave to the Age of Consent Committee as his opinion, and naturally that Committee made a great deal of capital of it. When the matter was brought to my notice, I wrote to this gentleman and respectfully asked him to say where he got the authority from for the position that he had taken before the Age of Consent Committee that even under modern conditions these Shastras could be amended by the present legislatures. Now, what was his reply? He quoted the same passage of the Shastras which lays down that Rishis should gather together and lay down what shall be the law for the next *Yuga*. Upon this, I pointed out to him that he or the modern legislators were not Rishis and that five thousand years ago the *Kali Yuga* had started and as the next *Yuga* is not in sight, the conditions laid down in the passage cited by him are not fulfilled. I, therefore, asked him to point out if there was any provision which he could show as an authority for the statement made by him before the Age of Consent Committee that the present legislatures could amend the Shastras. I wrote that letter two years ago, and the reply is still coming although I have reminded him nearly half a dozen times. That only goes to show that the position taken up by the Mahamahopadhyaya was untenable and that no profane hand can touch the rule laid down by the Rishis for the benefit of the society. The reason is that we consider rightly or wrongly and we may be quite foolish in so considering that the disposition of the Hindu society is based upon revelation and where there is that faith, they cannot lay their hand upon injunctions so laid down for the conduct of that society. It is not open to amend them everytime somebody thinks that a rule of conduct was not right, or as has been said in connection with another Bill, that the conscience of the Mover of a Bill would not allow the circumstances that exist in the Hindu society to continue and, therefore, the law should be altered. Now, Sir, so far as the Assembly is concerned, I have got the authority of the Age of Consent Committee itself and the Honourable the Leader of the House to say that this was not the proper place where questions regarding the marriage and those affecting the religious rites and usages should be rightly discussed. They said that in olden days there used to be panchayats and people used to go to them. Now, as those panchayats no longer existed, they held that they could only have recourse to the Indian Legislature for enacting law. I submit that this is not the point of view that we take nor is it the correct one to take. The Assembly is composed of representatives of various communities, castes and creeds brought together for a secular purpose. It is not right that this Legislature should address itself to reforming or changing the laws of the community which believe that they have been brought into existence upon the basis of revelation. We believe that the Legislature has no right to interfere especially when those who profess to legislate on social matters have not got the slightest regard or respect for the persons who framed these laws or for those laws. After the Act has been passed, it is an admitted fact that it created a great deal of commotion and, in

[Raja Bahadur G. Krishnamachariar.]

answer to a representation from the head of the Ahmadiyya community, His Excellency the Viceroy said that :

“ He read with special interest your observations regarding the Sarda Act. He recognises that these views, put forward by the head of religious community, demand careful consideration. The Government of India have recently consulted the local Governments regarding certain private Bills which have been drafted or introduced by Members of the Central Legislature. The position will be carefully examined on receipt of those replies.”

I wrote to the Honourable the Home Member two or three letters to find out what opinions were received and how Government dealt with those opinions in accordance with the promise made by His Excellency the Viceroy. So far, I have not been favoured with any reply, and I do not even know if any replies were received from all the Local Governments at all or whether they were dealt with in the manner which has been promised in reply to the representation of the head of the Ahmadiyya community. If we knew what the Local Governments said about the Act, we should have been greatly helped. The point I wish to make is this, that so far as this particular Act is concerned, Government themselves felt that they should reconsider the position. What they did after the promise of the Viceroy, I do not know. We have not been given any information regarding the same. I respectfully ask that the same must be supplied to this House just now. As regards the provisions of the Bill concerned, this is what is stated there :

“ Nothing contained in the Child Marriage Restraint Act, 1929, shall be deemed to apply to a marital sacrament or a marriage, solemnised or performed in accordance with the religion, or the religious practice or usage among Brahmins, Vaishyas, Sourashtas and other communities among whom post-puberty marriages are forbidden by their religious usage or custom or both.”

At that time it was in contemplation that the Muhammadan community would introduce a Bill of their own. I have no objection if an amendment is proposed so as to include the Muhammadan community also, so that there would be no waste of time in discussing two Bills. We shall all be sailing in the same boat and we shall sink or swim together according as this House decrees. That, Sir, is in consequence of the ruling which you gave.

Another matter which I would respectfully urge is this. A conscience clause may be introduced as an alternative, so that we could get an order from the court on lines laid down in the original Bill. This is all that I have to submit so far as this Bill is concerned.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration.”

Sir Hari Singh Gour : If I rise at this early stage, it is because I feel that this debate must come to a speedy termination if we are to deal with the question of which my Honourable friend, Mr. Das, has already given notice to this House. My Honourable friend who has sponsored this amending Bill gave certain reasons which were all considered on the floor of this House when the Bill became law. It is true that my Honourable friend was not a Member of this House, but gentlemen of his way of

thinking have always adorned some of the opposition benches, and whatever may be the measure that comes up before this House and savours of social reform there were always the stalwarts of orthodoxy in our midst to stand between ourselves and the proposed legislation. Fortunately their number is diminishing and as my Honourable friend has said he is himself conscious of leading a forlorn hope because as days advance and the light of the dawn expands from the mountain tops to the valleys, those who have been living in the vale of reaction and conservatism will be driven out of their darkness into light, and either they will die out or get attuned to the effulgence of the new light and a more glorious dawn which I see for my country. I do not propose to detain this House by going into the various arguments that have been advanced by my esteemed and Honourable friend on the ground of jurisdiction of the Legislative Assembly, because if it was once open to cavil or doubt, we shall have not only to repeal the present measure but perhaps a hundred other measures that have been passed by this House and by its predecessors commencing from the date when the legislative expression of governmental opinion obtained the order of the day. What will become of the supersession of the whole of our penal law enshrined in the Shastras replaced by the Indian Penal Code? What will become of the Hindu Widow Remarriage Act, what will become of a hundred and odd measures against infanticide, against *Sati* and against other social mal-practices which have been driven out of existence owing to the intervention of this legislature? I will take my stand upon the plain and unambiguous language of the Parliamentary Act that the Indian legislature is competent to legislate for all persons and all places. And I should be failing in my duty to this House if I should for one moment cast a doubt upon the plenary powers of legislation of this House. It is an ungracious argument of my Honourable friend who adorns a bench of the Central Legislature to pelt stones against a body the expansion of which we are all looking forward to and which in the fullness of time will be armed and clothed with greater powers and larger responsibilities.

My friend's argument that it is laid down in the Shastras that the marriage must be performed when the girl attains the age of eight years is a pathetic argument, too late in the day for any sensible man to adopt. I have not been in favour of the Sarda Act myself for the simple reason that I have always been convinced, and I said so in the Select Committee, that the Sarda Act did not go far enough. The argument that I used then is an argument which will bear repetition. Under the Indian law of majority, neither a boy nor a girl is competent to make any contract until he or she has completed the age of 18 years. If a girl is incompetent to make even a trifling gift of her chattels, she is certainly not competent to give away her most inestimable and invaluable privilege which she can give only once and for all, before she has attained that age of discretion. Common sense and logic, therefore, would both combine in support of the view that no marriage should be considered legal unless it is performed by persons who have completed the age of 18 years. But I supported the Sarda Act in the hope that with the growth of enlightenment amongst our people they will be ready to go to the length of legislating for what I consider to be the minimum age of marriage, namely, the attainment of the age of majority. I submit, Sir, there is nothing *ultra vires* in this legislature and if my

[Sir Hari Singh Gour.]

friend had given me more time I would have given instances to show to my Hindu friends adorning these benches that in earlier times, in the Vedic and post-Vedic age, adult marriages were the rule, and it is only in the decadence of Hindu society that such adult marriages became first customary and afterwards became more or less the rule with the higher classes.

I submit, Sir, that my friend's amendment to this Act which was passed in 1929 must be thrown out on the broad ground that it is barred by *res judicata*. This House must respect itself. Rightly or wrongly you have passed this measure; you have considered the pros and cons of all arguments that were advanced in favour of the measure. We will be stultifying ourselves if every year or every two years we were to tear open by their roots the very basic principles which we have enshrined and imbedded in the enactment which we have passed. There must be something like sanctity attaching to measures, measures of social reform and measures of vast utilitarian interests which are sanctioned by this Legislature and which this Legislature must not lightly tread upon at the instance of a private Member unless there is clear, cogent and consistent evidence that there has been a serious mistake in its enactment. It is, I therefore submit, a case in which Government should solidly oppose not only this amendment but any matter intended to whittle down the effect of the Child Marriage Restraint Act. And I hope my Honourable friends on this side of the House, whether they agree with me on the merits or not, will, on the broad ground that this measure was passed only two years ago and it is too early now to pronounce judgment upon it, support the rejection of my Honourable friend's amendment.

Mr. Lalchand Navalrai : Sir, I have great respect for the Raja Bahadur's age, his personality and the able way in which he puts the Shastras before the House. But I am greatly surprised that at least in the 20th century he should come forward and advocate that girls should be married at the age of eight and ten. I think he has brought this motion on account of the fact that he was not present in the House when the Sarda Bill was enacted. A great amount of heat was generated in the House when that Bill was before it and it was opposed by the orthodox people. Every one who was present then can say that no new case has been made out now by my Honourable friend for the consideration of this House. His predecessor, I say predecessor because he pressed the same point,—Mr. M. K. Acharya,—who was very enthusiastic about the Shastras, came with loads of Shastras and took several days to enlighten the House about the shastric injunctions. Therefore it is wrong to say that the Shastras were not then quoted or were unknown to the House at that time. The Shastras and the usages and other things were all fully elaborated before the House. Therefore to say that they were not considered and should be considered now is quite wrong and that point is not well-founded.

Then, Sir, the second point that my friend urged was that he is asking only for the betrothal which should be allowed, but that again is not a new point. At the time the Sarda Bill was being enacted there was a question of what marriage is and that point was fully considered.

Betrothal in some places is only a contract, but in Madras among the Brahmins whose cause my friend is advocating betrothal means marriage itself. All the marriage ceremonies are performed. The only difference is that the bride remains with her parents or in other related families until such time as the marriage is consummated.

It cannot, therefore, be said that no marriage has taken place in cases of such betrothals and that she can avoid it. The Honourable Member cannot say that she has by this betrothal not yet become a wife. Therefore to say that he is asking for release of anything which is less than marriage is not right. Similar point was unsuccessfully raised then by the Muhammadan community also, *viz.*, whether performing *nika* alone is marriage or not; and they wanted that the *nika* may not be penalized and only consummation should be disallowed. In a like manner, after the *nika* is performed, girls do remain in the houses of their parents also. Among the Brahmins in Madras the bride remains in the house of her parents temporarily until such time as the bridegroom takes her to his own house for consummation of marriage. Therefore that point is not a good point at all.

Then he said that the Hindu community was not consulted. I am surprised to hear that. This Sarda Bill was hanging fire for a long time. The Bill first went out for circulation; public opinion was obtained and it was then considered that further opinions should be called for, so when it emerged from the Select Committee it was sent out for circulation a second time. Therefore to say that the opinion of the Hindus was not obtained and that the Bill was passed without mature consideration is absolutely wrong.

He then said, if I understood him aright, that there was no law in other countries restricting the age of marriage—no penal provisions at least. I read very recently of a case where a marriage had taken place in England and the parties were run in. It cannot therefore be said that there is no such penal law elsewhere.

I submit that in my humble opinion every conceivable point that could be brought forward was urged, pressed and considered fully, and we will be only stultifying ourselves if we interfere with this law which has been passed after mature and full consideration. It is not as if the Sarda Act was passed by the vote of one community or the other. The Sarda Act was enacted with the vote of the whole House; the Government was in its favour; the Muhammadans or a majority of them were in favour. (*Voices of "No, no."*) Please refer to old minutes. Majority of the Hindus excepting a few on this side, just like my Honourable friend, were all in favour. So I submit that no case has been made out for any change in the law. I oppose the motion.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, I rise to support the Bill brought forward by my esteemed friend, Raja Bahadur Krishnamachariar. The Sarda Act has given rise to a widespread discontent in the country. It was passed in the teeth of opposition both from the Hindus and the Muhammadans. It was sponsored by one who, I am sorry he is not present in his seat today, could hardly be called a Hindu because of his close association with the Arya Samajists. I am constrained to say he is innocent of the Hindu Shastras.

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and even of Sanskrit literature as I shall prove presently. While speaking on the original Bill, Mr. Sarada said :

“ No Shastras ancient or modern enjoin that girls should be married before attaining puberty.”

This is against the unanimous verdict of the Hindu Shastras. The Shastras unanimously enjoin that a girl must be given in marriage *before* she attains puberty. Before I discuss that point I would like to make a few remarks on the process by which these things are enacted in this House. It was a very great blunder to bring forward such a Bill before a House which is composed of Members professing different creeds. The question affects only one or two of them and the others are asked to pronounce their verdict on the same. These things cannot be determined by voting. There are permanent truths, e.g., the existence of God, which cannot be determined by voting. It is a well-known fact and it will interest the Members of this House to know that the late Mr. Akhoy Kumar Datta of Bengal, in the heyday of his scientific career, once wanted to determine the existence of God by voting, and he failed naturally. I am informed that the proposition of the existence of God was lost by some ten or twelve votes. So I say this was the initial blunder.

The next point is that this Bill was sponsored by a person who was not conversant with the Sanskrit Shastras and was supported by persons who were no better judges than the author of the Bill himself. I have gone through the past debates, etc., on this Bill and I came across certain remarks made by various speakers which cannot be supported by facts and figures. Mrs. Brijlal Nehru in one place says :

“ My heart aches at the thought of the sufferings of the girl wife. Our whole report is a plea on behalf of these victims of blind custom and usage.”

Sir, I think this is far from the truth. I do not wish to enter into the labyrinth of statistics which are often made to order and are often manipulated according to one's will and convenience. I would like to read a few lines published by one of the foremost physicians of Calcutta, commanding an extensive practice—Dr. Nalini Ranjan Sen Gupta, M.D.—who says :

“ How undeserved are the aspersions on the social customs of the people, and the poor defenceless *dai*, is brought out into bold and unmistakable relief, by the fact that infant mortality and maternal death-rate is far less in the rural area, the real stronghold of decrepit social customs and of the infamous village *dai* and is about double in urban areas, where the inroads of modern civilization have materially loosened the bonds of society and have replaced to a great extent the untrained *dai* by trained nurses. Figures from the Madras investigation show that about 33 per cent. of cases (all in urban areas) are attended by trained nurses or doctors throughout, and of the remainder many are treated at the later stages by trained nurses, yet in every instance we find that the infantile mortality in urban areas is almost double that in rural areas.”

This is not the only thing that is written on the subject. The Age of Consent Committee have collected statistics which go in their favour. They collected the figures from English educated people. Another prominent physician of Calcutta—Dr. S. K. Sen Gupta—has brought out another publication and he collected his statistics from the orthodox Vaidic families. This is what he says :

“ There is invariably prepubertal marriage among them. The histories of all confinements of every woman of each of these families are given according to the age of first confinement. It is a most instructive table ; none of the mothers died at first or subsequent pregnancies or confinements, and no medical aid was necessary. Let us lump the figures as Dr. Adishesan has done. Take all mothers below 15 years, they

were 59 in number and the mortality of infants during 1st year of life (no neo-infantile mortality) in first confinements was 10, i.e., 170 per thousand. The neo-infantile mortality being always much less than 1st year infant mortality must then be much less than 170 and there was no maternal mortality. Those who become first mothers at higher age, i.e., from 16 to 21 years, were 54 in number and the infantile mortality during 1st year of life was 12, i.e., 222 per thousand. Therefore one cannot say that mothers of 15th and 14th year were worse than mothers of higher age. If all the subsequent confinements are taken they also will tell the same tale."

Then, in another paragraph he says :

"Table 16 (page 327) shows neo-natal infantile mortality as 108.70 for all mothers ; excluding mothers under 15, it works out at 107.58."

The reference is to the Agent of Consent Committee's Report.

Now, Sir, there are other things also. If early marriage were responsible for infantile and maternal mortality, then those mortalities in Bihar would have been much higher than those prevalent in Burma where late marriage is the custom ; but everybody knows that the infantile mortality in Burma is much higher than that prevailing in Bihar.

Sir, I would like to read out a few more lines on the same subject because this is a very controversial point. This is a letter written by Dr. V. B. Green-Armitage, M.R.C.S. (Eng.), L. R. C. P. (London), M.B., C.H.B. (Bristol), M.D. (Bristol), M.R.C.P. (London), Lieutenant-Colonel, I. M. S., Professor of Midwifery, Medical College, Calcutta, on the Age of Consent Bill. He is the greatest obstetrician in India and one of the greatest in the world, and this letter was published in the Indian Medical Gazette, November 1929. He says :

"Puberty.....denotes the physiological co-ordination of the Ovaries with other endocrine bodies, and therefore there is little doubt that from a natural point of view conception was intended to occur after its appearance, and should there be no great disparity in age between the contracting parties, there is little doubt that the process of nature can be fulfilled 'without disaster'. The argument that difficult labour must occur as a result of early motherhood cannot be supported, for clinical experience has convinced us that if a primi para (a case of first pregnancy) be of normal physical development, the process of labour is *not* accomplished with difficulty.

The Age of Consent Bill speaks of 'the travails of maternity, and the high maternal and infantile mortality as the result of premature co-habitation'; but it should be borne in mind that such travail and such mortality are just as likely to remain high after the passing of the Bill as before it, for it would seem to be forgotten that 'travails' have *per se* nothing whatever to do with the age of marriage, but are due to such preventible causes as Eclampsia and Sepsis.

* * * * *

As regards infantile mortality which the Bill attributes to early marriage, we must not confound cause with effect, for the appallingly high percentage of infant deaths in India cannot be attributed to this cause. Dr. Ubhaya, Director of Public Health, Madras, has shown that only 0.59 per cent. of first confinements occur under the age of 15, and that 24.7 and 31.2 per cent., respectively, occur between the ages of 15 and 24. These findings conclusively refute the argument of Sir Hari Singh Gour and, if we may say so, point the legal maxim that 'hard cases make bad laws', for the infantile mortality is due partly to avitaminosis during the ante and post-natal periods, and partly to ignorance of the elementary laws of Hygiene."

This has been confirmed by utterances made by Dr. Bentley, Director of Public Health, Calcutta, who says that death-rate among children under 15 in Bengal is chiefly due to want of nourishing diet. Colonel MacTaggart also mentions the same thing when he says that the only

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potent cause which really accounts for the heavy mortality is the want of nourishing diet.

Now, I come to a remark made by Lieut.-Colonel Gidney, now Sir Henry Gidney. This is what he says :

“ Sir, I go further and say that the total number of Caesarian operations done in Delhi is, I believe, more than the total number of such operations done in the whole of the hospitals in the United Kingdom put together.”

This may be his belief. However, its application to rural areas has been given a lie to by the pronouncements of eminent doctors who say that the number of Caesarian operations is not so abundant in the rural areas as in the urban areas. Sir Henry Gidney referred to the decision of the All-India Medical Congress held in Calcutta. As to that, Dr. S. K. Sen Gupta in his pamphlet supplies this piece of information. Let the *Medical Review of Reviews* narrate what happened at that time :

“ Not to be outdone, the medical men assembled in the All-India Medical Conference, 1928, who by the bye, had remained perfectly unconcerned so long, though they, of all people, were expected to realise the good and bad implications of the Bills to their full extent, suddenly woke up to a sense of their duty and responsibility and passed a resolution in hot haste, warmly supporting the Bills at the fag end of the session in a thin house, consisting almost exclusively of the ardent reforming spirits and at a time when the majority of the members had already left the meeting to attend a pre-arranged lecture in another place in the town (Bose Institute). ”

In the Conference, not an article was read on the subject, neither have the gentlemen who supported the above since then cared to publish any scientific paper on the subject, although in the Conference they were repeatedly requested to do so, and later on reminders were sent to them.”

In going through the past debates, we have seen the mentality of our leaders including the late lamented Pandit Motilal Nehru, and Mr. Jayakar. Mr. Jayakar and the late Pandit Motilal have some sympathy for the young delinquent but they have not got any sympathy for those who want to abide peacefully by conforming to their own religious injunctions.

I now come to the shastric point of view. The true shastric view is this—not as was put by Diwan Bahadur Harbilas Sarda that no *Shastras*, modern or ancient, enjoin that the girl should be given in marriage before puberty,—but the *Shastras* are clear, and if I may be allowed to quote them, I shall quote first of all Manu, the principal law-giver of the Hindus. He says in Chapter IX.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I hope the Honourable Member will bear in mind that he is speaking on an amending Bill and not on a repealing Bill.

Pandit Satyendra Nath Sen : Sir, this is what Manu says :

*“ Trimsadvarashodushet Kangām hridyam dwādasa-varshā kim
Tryashtha-varashoshta-varshām vā dharme vidatī sativaram.”*

It means that a girl should be given in marriage between the ages of 8 and 12, and the age of the bridegroom should be between 24 and 30. If the

daughter is not given in marriage before puberty, what will she do ? This is the injunction as regards that point :

"Trini varshānyudiksheta Kumāryritumati Sati

Urdhwaṃ tu kālādetasmād vindeta sadrisam patim."

She should wait for not more than three years. After that period she should choose a husband herself. Emphasis should be put on the word "Udiksheta"—she should look up, expectant for a husband ; that is to say, the marriage is already overdue—not as was put by some Members that the marriage should take place *after* three years of puberty. The point is that the marriage is already overdue and she should then choose a husband *herself*. There are other Shastras also which corroborate this. I am not going to quote them in full, but I shall only refer to their names because there was an appalling statement made by the sponsor of the old Bill that no Shastras supported the present orthodox view. We have Manu, supported by Vishnu, Yājñyavalkya, Yama,—ślokaś—shall I quote them ? (*Some Honourable Members* : "Yes. Go on.") As Honourable Members like me to quote the Shastras in full, and I have got the references with me, I shall quote the texts. Vishnu says :

"Pitri-vesmani yā kanyā rajah pasyatyasamskritā

Sā kanyā vrishati jneyā—."

That is to say, the marriage must be performed before puberty, it must not be delayed. If the marriage is delayed, the *kanyā* is considered to be a 'vrishali', which means, *Sudrā*. Yājñyavalkya, an equally authoritative name, says in Chapter I, Sloka 64 :

"Aprayachchhan samāpnoti bhrūna-hatyām ritāvrītau

Gamyam tvābhāve dātrinām kanyā kuryāt swayamvaram."

If the father does not marry his girl before puberty, he is guilty of infanticide, and in that case the girl should choose a husband herself. Yama, Sloka 22 :

"Prāpte dvādasame varshe yah kanyām na prayachchhati

Māsi māsi rajastasyāḥ pitā pibati sonītam."

(Laughter.) That is the Shastric injunction. You cannot laugh at it. (*An Honourable Member* : "Give the translation please.") I am refuting what Diwan Bahadur Harbilas Sarda says. My Honourable friend Mr. Lalchand Navalrai said that the Shastric injunctions were quoted, on previous occasions, and I am here to prove that the Shastric view was not fully represented. The meaning of that Sloka is this. A father who does not give away in marriage his girl before she attains the age of 12, that is, the age of puberty, drinks her menstrual blood.....

(It being Four of the Clock.)

Mr. President : (The Honourable Sir Ibrahim Rahimtoola) : Order, order. Adjournment Motion.

MOTION FOR ADJOURNMENT.

TERMS OF REFERENCE TO THE ADVISORY CAPITATION TRIBUNAL.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I beg to move

4 P.M.

that this House do now adjourn. In discussing this motion of censure, it may appear while I develop my points that at times I have to praise and appreciate the work of the Government of India. I have to do it, so that the House and the public may know that the Government of India are peculiarly situated in the matter of the defence problems of India. About the beginning of August, the Indian press quoted from the British press the terms of reference of this tribunal which were published with the headlines "Capitation charges, India's defence expenditure, Terms of reference to the tribunal". Up to that time no official communique was issued. Recently four or five days ago the British Official Wireless communique was issued containing the terms of reference of a tribunal which happens to be an advisory tribunal. Most of the Indian press have misread the contents of the terms of reference of that tribunal. I must say that the *Hindu* and the *Bombay Chronicle* are noble exceptions and they have read the real meaning of these terms of reference. The terms of reference run as follows : His Majesty's Government in the United Kingdom in agreement with the Government of India have decided to set up a tribunal and there are 5 paras. below. Para. (a) refers to the capitation question which is to be referred to the tribunal. Sir, I wholeheartedly approve of that reference, because as a Member of this House and as a member of the Public Accounts Committee we have pressed on the Government to get speedy decision on this question of capitation charges. It is a contentious question. India has to pay capitation charges for British soldiers that come now and then to India to serve here for a temporary period of seven years or more. The Government of India are at one with us and they have all along pressed on the War Office that India should not pay these capitation charges. I welcome that reference. Para. (b) says "to examine India's claim that contribution should be made from the Imperial revenues towards the military expenditure". This is the most contentious question that has been pressed by us on the floor of this House and by those gentlemen who represented India at the Round Table Conference to get the constitution settled. I find that in the first Round Table Conference a defence committee was appointed. Of the gentlemen who graced that committee, I find only two gentlemen present here—my Honourable friend Mr. Jadhav and my friend Captain Sher Muhammad Khan and they recommended this : "The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation." Those who went to the second Round Table Conference had no time to go into this big question because they were too busy with little problems like the minority demands and they forgot that unless India's defence cost is reduced, the so-called provincial autonomy or autonomy at the centre would be a farce and unless the major portion of it is borne by England, the so-called swaraj will be a myth. At this point I must say that when there was no legislature or there were only a few members in the old Imperial Legislative Council, of which you, Sir, were

a great ornament, you did your very best to reduce India's cost of defence. The Government then, autocratic as they were, insisted that Britain should bear the Imperial defence cost and that India's cost of defence should be reduced. The Simon Commission referred to it and the Government of India wrote in their admirable despatch—I would not say admirable in every respect—that England should bear part of India's defence and that it should be settled by a committee. They said “that it will be for His Majesty's Government to consider whether the Commission's argument in favour of a subsidy from Imperial revenues should be accepted and whether the Government of India can establish a claim for this contribution, determined by the factors to which the Commission have referred”. Now, what do we find? This thing has been treated as a small side issue. If we read the last paragraph of this communique we find that this tribunal is nothing but an *advisory* body. It is further said that the proceedings of the tribunal will be confidential and its report which is to be made to the Prime Minister will be advisory. Its recommendations will therefore not be binding on either Government. Now, I ask, why this farce? If the tribunal is going to discuss this question of capitation charges alone, I will not have taken the time of this House and brought forward this motion of adjournment, but as it is going to discuss the whole constitutional problem of the Army I was forced to bring it before the House. I find that in my views I have the support of the Editor of the *Hindu*, a worthy former member of this House, Mr. A. Rangaswami Iyengar who has written an able editorial on the military charges tribunal. I would draw the attention of my Honourable friend Mr. Tottenham to the *Bombay Chronicle* and the *Hindu*. These are the two papers which have understood the defence problem of India. Everybody has succumbed to the headline as appearing in the British papers. Sir, the *Hindu* appreciates the whole situation, and the *Hindu* knows that the so-called advisory tribunal is going to discuss the whole defence problem of India :

“It is obvious that the question of the nature and extent of the contribution of the British Treasury towards Imperial or Indian military expenditure in India is very largely inter-connected with the nature of the future constitution of the Indian Government, its political, constitutional and financial status as an equal member with other Dominions and its relations on that basis with Great Britain.”

Sir, those of us who have read the Simon Commission's Report, Volume I, know how that Commission analysed the Imperial defence burdens of the Dominions and of India. I would refer the House to page 93, Volume I. It says :

“India spends £41 millions (*at the then rate of exchange ; the Honourable the Finance Member will correct me if the figures are wrong*). Australia spends £4.73 millions, Canada spends £2.75 millions, the Irish Free State £2.26 millions, New Zealand £.96 million, South Africa £.8 million.”

Sir, that is all the net defence expenditure of the mighty Dominions who invite India to Ottawa and settle India's fate, and yet India is saddled with an expenditure of £41 millions as it then was—it may be 36 or 37 millions now! And the Percy Federal Finance Committee says that 47 crores of rupees should be the military expenditure of India *minus* the military expenditure of Burma. Sir, if the cost of defence is not reduced, if India does not bear an equitable share and no more of the cost of Imperial defence, then the so-called constitution, the so-called *swaraj*, would be meaningless. Sir, it is beyond the scope of

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this tribunal to look into this aspect of the question because, when you are going to talk of Imperial defence, then every Dominion should be represented. It should be a Dominion expert committee to see how the Imperial defence burden should be properly allocated and India should only bear her proper share and no more of Imperial defence. Sir, as my time is very short, I wish to express the view of "Indian India" in two sentences by quoting the *Hindu* once again :

"The extent, therefore, to which official as well as non-official advice, legal and financial as well as technical outside the circle of departmental experts could be availed of for this purpose requires, in our view, to be seriously considered by the Government of India in this connection."

Sir, the Honourable Sir George Schuster assured this House two years ago that if the Capitation Tribunal comes about, then non-official advisers would be there to advise the advocates who defend the Government of India case before the tribunal. Sir, I shall conclude by quoting once again the *Hindu* :

"We may be sure that all these aspects will come up for discussion before the Tribunal in some form or other, and we therefore think it necessary that the Government of India should take the Legislature and the public into their confidence and seek their co-operation in every way in seeing that justice is done to India in the present as well as in the future."

And I ask the Leader of the House, who is an ex-member of the Round Table Conference and a politician of great repute, to see that India's cost of Imperial defence is reduced to a minimum so that we have real autonomy in every province and in the centre. (Applause.)

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Mr. President, we are grateful to Mr. Das for bringing up this important motion before this House. I do not think Mr. Das had any idea to bring in a motion for censure, but he had no other alternative in order to draw the attention of the House to this important question and so he had to take recourse to this step. As a matter of fact officials and non-officials are all agreed on this question of capitation charges, but the hole and corner way in which the terms of reference to this Capitation Tribunal were suppressed in India aroused our suspicion. Sir, it is now some years since the matter was taken up before the Public Accounts Committee and the *ad hoc* Military Accounts Committee about these capitation charges. As a matter of fact as late as 1922 the Inchcape Retrenchment Committee said the following :

"These payments are based on a capitation rate for each officer and man of the authorised British establishment, the rate having reference to the actuarial calculation of the number of recruits required annually to keep up the Indian establishment of British troops, and the cost of raising, training and equipping the annual drafts and reliefs."

Now as we find it, the rate has varied greatly. Up till the year 1908 the rate was £7-10s. per man. In 1908 it was settled after a compromise between Lord Morley on behalf of India and Lord Haldane on behalf of the War Office that the rate should be raised to £11-8s. But after the War in 1920-22 the War Office in England pressed that, due to the rise in prices, the rate should be as high as £28-10s. *per capita*. Then it was again altered in 1922-23 to £25-13s., and in 1923-24 it was provisionally fixed at £25, and that rate now provisionally prevails. It was a momentous question, as it now grew to be a huge sum, rising from £7-10s. in 1908,

stage by stage, up to £25. So naturally there was a demand preferred, by the officials in the first instance,—be it said to their credit,—and also by the non-officials for pressing for a revision, having regard to the great fall in prices of all articles. So this question of reference to an impartial tribunal has the support of all Indians, but we wondered why this measure was suppressed in India. Fortunately while we were coming up by train we happened to read it in the *Leader* which gave a quotation from the English press. Now we do not know why the Government of India did not see their way to keep us informed. Then the question was raised before the Public Accounts Committee, and subsequently as late as the 1st of September the Government by its communiqué published it for the information of the Indian public ; but here also, though the reference is very broad and does not really confine itself to the proper question of capitation alone. In the terms of reference I find it distinctly said that it should be a confidential inquiry. I should like to hear from the Government why it should be confidential. Then, again, this report is to be the report of an advisory body, not binding on anybody. Now if it is to be an impartial tribunal, I do not understand why it should not be binding on both, or, if it is optional, why it should only be submitted to the British Prime Minister alone, and why not to the Indian Government and the Indian Legislature as well. That is a point where more elucidation is necessary. I adopt no hostile attitude on this motion because, as I have explained, we are all agreed that this capitation question should be settled, but we find that the reference is so wide. Take the third item of reference : “ To examine the War Office claim that India should pay a direct contribution towards the cost of regular and supplementary reserves, and, *fourthly*, to consider whether the.....contribution paid by the War Office to India should be continued or modified after the 31st March, 1932.” We shall be very glad if the Government can explain to us how all these bigger issues are also involved in this limited reference about capitation, or is it a tribunal which is going to discuss the big principle of sharing the question of Imperial defence. I hope the question will be discussed widely afterwards whether the Indian defence is a part of the Imperial defence, as some of the War authorities hold, or India should look to her own defence from her own revenues. I find from the publication of a Government document—Army of India for 1924—that technically it is held that the Indian defence is nothing but more or less a subsidiary part of the Imperial defence and they argue in this way :

“ It has already been explained that under section 22 of the Government of India Act the purposes for which the army in India is maintained are specifically limited and that in a grave emergency it would be a recognised liability of His Majesty's Government to come to India's assistance with the armed forces of the United Kingdom and it is obvious therefore that the defence of India must be regarded as one of the permanent problems of Imperial strategy.”

The argument continues in this way that for the defence of India the assistance of the British army may be necessary and as such the Indian army is only a part and parcel of the Imperial defence. I would like to be assured by the Government if they propose to include this wider question also in the terms of reference to this tribunal. I think we should settle our attitude after hearing from Government why this matter has not been explained in the communiqué and why it was postponed so long.

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I confess that it was with a feeling of some disappointment that I received the notice which has given rise to this debate. I am aware that there has been

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considerable criticism in the past of the delay that has taken place in settling this long-standing and important controversy, but I had hoped that the announcement, made in the Press Communiqué on the 1st September, would be met with some measure of approval rather than with criticism. After all, the main object in view is to obtain an authoritative declaration on this long-standing controversy about the capitation rates ; and we have now at last succeeded in obtaining a tribunal, as our court of appeal, the findings of which will, as I am sure all Honourable Members will agree, carry the maximum weight and whose opinions cannot be lightly set aside. I think that is the most important point to take into consideration in considering the question whether the tribunal should be advisory or should give a final decision. There is no doubt that its findings will carry the utmost weight. The motion, however, is to discuss the unsatisfactory nature of the terms of reference. And in the speeches of the Honourable the Mover and my friend Mr. Mitra I find that the criticism has been directed not so much against the actual wording of the terms of reference as against the procedure which they think is going to be adopted, on the ground that this procedure, I gather, is intended to stifle an expression of non-official opinion in India on a subject in which non-official opinion takes the greatest interest and on which it has every right to be heard. Now, Sir, I wish to assure the House to begin with that this is not the case. With certain specific points I shall deal later, but it seems to me that the criticism is based largely on a misapprehension as to the functions of the tribunal ; and I welcome the opportunity of endeavouring to remove that misapprehension. The misconception, I think, arises out of the fact that the second term of reference, that is the term dealing with the contribution from Imperial to Indian revenues, has been taken out of its context, in isolation from the others, and it has been assumed that the tribunal is going to deal with the whole broad question of the incidence of the cost of the army in India, the strength and composition of the army in India and such large questions as whether India requires British soldiers at all. That, too, is not the case. The tribunal was not designed to enter into those large questions, nor is this the time or the context in which I shall be able to do so. I may mention that the recommendation of the Defence Sub-Committee of the Round Table Conference to which the Honourable the Mover referred, namely, that there should be an expert inquiry into the strength and composition of the army in India, is being carried out already by a separate procedure. Sir, I think the terms of reference must be regarded

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Will the Honourable Member tell us what the other procedure is going to be ?

Mr. G. R. F. Tottenham : An expert Committee was appointed by His Excellency the Commander-in-Chief and it has submitted its report to Government. That report has been sent home and will be examined by the Committee of Imperial Defence at home. It is an expert enquiry by soldiers into the strength and composition of the army in India. What the eventual procedure will be when the Committee of Imperial Defence has considered the report of the expert Committee from India, I am not yet in a position to state, but I have no doubt that there will be a full

opportunity in due course to discuss that. The point that I now wish to make is that the Capitation Tribunal is not concerned with that larger question, and I do not wish to enter into that question at present.

As I said, the terms of reference must be read together. The second term of reference is complementary to the first. What this particular tribunal has to do is to take the facts as they exist at the present moment, and to come to some conclusion as to whether the capitation charges, on these facts, are a fair charge or an unfair charge. I do not propose for a moment to go myself into the rights and wrongs of this very complicated and long-standing controversy, but I may perhaps explain the position like this. India claims relief from the capitation charges. His Majesty's Government say that these charges merely represent the actual cost of recruiting and training soldiers for service in India. That is to say, that they represent the cost of a service rendered to India. Here is the first term of reference. We, again, reply that we too render a service to His Majesty's Government by employing these troops in India and that a money value can be attached to that particular service. Hence, you get the second term of reference. There is the claim and the counter claim. The claim that England renders service to India by supplying the troops; and the counter claim that India renders service to England by employing them. Well, Sir, if I have made myself clear so far, I think it will be realised that the questions which this tribunal will consider are not constitutional questions or political questions or even purely military questions about the cost of the army or the size of the army or the number of British troops

Sir Cowasji Jehangir : May I interrupt the Honourable Member ? Does clause 2 refer to the British army in India or does it refer to the whole of the Indian army ?

Mr. G. R. F. Tottenham : It refers to the British army alone.

Sir Cowasji Jehangir : It does not say so ; it is very ambiguous. Unless the Honourable Member had told us this it would have been quite impossible to make out what clause 2 meant.

Mr. G. R. F. Tottenham : That, I understand, is the intention. It is merely a counter claim against the capitation charges, which we have to pay for using British soldiers provided by His Majesty's Government.

Sir Cowasji Jehangir : Am I to understand that clause 2 does not refer to the very much more important question of what service the whole Indian army renders to the British Empire ?

Mr. G. R. F. Tottenham : That is my understanding of the terms of reference.

As I was saying these questions are primarily and almost entirely financial questions arising out of the fact—whether it is right or wrong—that at the present moment India has to pay England for the cost of training and recruiting British troops for service in this country. If any corroboration is required of this view of the matter, that is to say that it is purely a financial question and not a political question nor a constitutional question, I think that corroboration is to be found in the proceedings of the Round Table Conference itself. I have looked through those proceedings with considerable care and apart from a few casual references to the capitation rates which were made in certain speeches in the Federal Structure Sub-Committee, I find there was a discussion on the subject in the Defence sub-committee.

[Mr. G. R. F. Tottenham.]

In the proceedings of the Sub-Committee on that occasion Sir Phiroze Sethna made a speech on the subject of the capitation rates, and I should like to quote to the House a few words to show how that discussion ended. Sir Phiroze Sethna was making a speech and Lord Peel intervened and said :

" I hope Mr. Chairman, we are not going into this question of the capitation grant. It is one of the most complicated, difficult and intricate questions with which I have ever had to deal.

Mr. Jayakar : It is a question of finance which is not the concern of this sub-committee at all.

Lord Peel : If we are going to go into that, I shall require to look up the details. It is a very complicated question and would take a long time to discuss.

Sir Tej Bahadur Sapru : It will be for the Government of India of the future, as of the present, to discuss."

There the matter ended so far as they were concerned. Now, Sir, if it is accepted that the matters at issue before the tribunal are purely financial matters and that the subject is of a technical nature and of an extremely complicated nature, I think it remains to be considered whether the procedure for dealing with it is suitable and reasonable. As there appears to be some doubt on the subject, I should like to explain what that procedure is going to be. I think the closest analogy is the procedure for hearing an appeal in a court of law. That is to say, both sides, His Majesty's Government and the Government of India, will prepare a full written statement of their claims and these written statements will be laid before the tribunal. The case will then be argued orally by Counsel before the tribunal, and I do not see that it should be necessary to examine any witnesses, either official or non-official. A written statement on behalf of India has been under preparation for many months and is now actually receiving its finishing touches at the India Office with the help of our own expert Military Financial Adviser, Mr. Macleod, who has been deputed to England for the purpose and who is fully conversant with the whole history of this complicated case. The Government of India will be represented by two Counsel before the tribunal, one a leading English barrister and the other an eminent Indian lawyer.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhamadan) : What are their names ?

Mr. G. R. F. Tottenham : I regret I am not in a position at the present moment to announce their names, the matter is still under consideration and I hope an announcement will be made in a short time. Thus, I think it is obvious that there will be every opportunity for the Indian point of view to be very fully and very ably placed before the Tribunal on this particular question. It seems to the Government of India that, considering the limited nature of the scope of enquiry and the complicated nature of the controversy, no more businesslike or satisfactory procedure could have been devised.

Some criticism has been directed against the announcement that the proceedings of the Tribunal are to be confidential and that the Tribunal is to report to the Prime Minister. I think the fear is that this will lead to the suppression of the report. I am not yet in a position to say what exactly the procedure will be when the report has been made to the Prime Minister, but I think I can safely say that there is no ground for any such fear. When any military matters are discussed, it is always a wise precaution

tion to make the proceedings confidential, at any rate in the first instance, as technical or secret matters may possibly arise which it would be inadvisable to give to the Press. Then again when the Tribunal has reached its decisions, it obviously must report to somebody and I can think of no more suitable authority for the Tribunal to report to than the Prime Minister. There are of course several departments of His Majesty's Government at home who are intimately concerned and interested in this matter. What the next step will be, as I have said, is not yet settled. But here again, I cannot imagine myself that there will be any doubt but that the report will be eventually published and that the Indian Government and this House will have a full opportunity of considering it before final decisions are taken. In any case, I can assure the House that, if it is their wish, a copy of the proceedings of this debate will be forwarded to the authorities at home so that they will be left in no doubt as to the views of Honourable Members on this subject.

That, Sir, is practically all I have to say and I trust that the House will excuse any imperfections in the manner in which I have presented the case. I do wish to make it perfectly clear that there is nothing further from the intentions of the Government of India than to deal with this matter in a hole and corner way. It is a matter in which official and non-official opinion largely coincide. Government are fully aware of Indian public opinion in this matter and they have consistently endeavoured for the last fifty years—that is to say, even before non-official opinion became interested in it,—they have consistently endeavoured to proceed in what they considered to be in the best interests of India. I venture to hope that in view of this explanation, the Honourable the Mover of the motion may possibly see his way not to press his motion to a division.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I have heard the statement made by the Honourable Member on behalf of Government, but I must say that I am still unable to grasp what the exact position is with reference to this matter. I think he started by saying that it is the desire of Government to have an authoritative pronouncement from this Tribunal but then he ended by assuring us that this Capitulation Tribunal is merely an advisory body whose decisions will not bind the Government and this, in fact, is the very communiqué. It is difficult to reconcile the two statements. If it is going to be merely an advisory body, how is its findings going to be an authoritative pronouncement? Whose pronouncement then is going to be authoritative? He also said that non-official public opinion will be consulted. I am not sure that he said exactly that; at any rate he said that public opinion will not be disregarded. We should like to know in what way public opinion in India is going to be consulted. There is nothing at all in the terms of the reference which throws light on this most vital point. He has assured us that this is not going to be a hole and corner enquiry, nor will there be a hole and corner decision. Who is going to decide? Do I take it, it is the British Government? If it is the British Government, are they going to hear us at all? Is this House going to get a proper opportunity to discuss this matter and to pronounce its opinion on the findings of this tribunal. This is a very important question in which we are deeply interested and upon which we have been laying so much emphasis for years together. There is nothing at all in the communiqué to reassure us on this point whether public opinion is going to be properly and adequately consulted before any conclusion is arrived at. We want a categorical assurance to that

[Sir Abdur Rahim.]

effect because, as the Honourable Member is fully aware, this is part of the larger question of the military expenditure which in our opinion is a crushing burden on this country and which stops all progress ; and unless that is considerably reduced India will be absolutely powerless to do anything for the benefit of her people. This larger question was before the Round Table Conference and the delegates from India laid the greatest possible stress upon the necessity of reducing military expenditure. I understand an expert committee has been appointed which has to report on it. I should like to know exactly how this Tribunal fits in there and whether we as Members of this House will have an opportunity of considering the whole position. Sir, I must admit that as a Member of this House I feel and have felt for some time that this Assembly is being systematically treated with contempt by the Government whenever any vital issue is concerned. If the constitution of this country is going to be changed, if the fate of this very Legislature and the other Legislatures of the country is going to be decided, the Assembly has no say in the matter. If any fiscal policy is to be laid down, for instance by a Conference at Ottawa, we are not consulted at all. We were not told that such a Conference was going to be held and we were not asked whether we had any opinions to express or any directions to give to the delegates from India. Here is the question of military expenditure and the capitation charges is a part of that question. We are not told what will be the position of this House with respect to this matter before it is decided. What is the good of presenting us with decisions of Government which cannot be altered by us ? It is treating us with very scant courtesy and, I say, with contempt. This is not a position which can be tolerated by this House and I do hope the Honourable Member will assure us that there will be a definite procedure adopted for adequately consulting this House before any final decision is reached.

The Honourable Sir Alan Parsons (Finance Member) : Sir, I do not think that my Honourable friend who has just sat down need have been in any fear that Government would not give to this House ample opportunity for a discussion on this subject when a discussion can be usefully held. And I think that he is still under some misapprehension of the meaning and intent and purport of the Tribunal, the functions of which are described in the press communiqué which was issued on the 1st September last. That tribunal, as Mr. Tottenham has explained, is of a *quasi-judicial* character. I do not think that either the Government in Great Britain or the Government of India can necessarily accept its findings as final, because we should not be aware beforehand whether those findings were, for example, unanimous findings on each point or on all points. And I think therefore that it was, if not necessary, at any rate advisable, that the Tribunal should be in the first place advisory. Actually the personnel of the Tribunal is such as Mr. Tottenham has said ; and any finding it reaches, and more particularly any unanimous finding it reaches, will be a most authoritative finding which I can hardly imagine either the Government in Great Britain or in India or this House would neglect. But the stage for further consultation with this House will obviously be after the recommendations,—I should have used that word instead of “ findings ”,—of that Tribunal have been received ; and I can assure the House that so far as the Government of India are concerned, they will be prepared to lay those recommendations before

the House at any convenient opportunity. There is no intention whatsoever, in a matter of this kind where those on these Benches are at one with the Benches opposite, of preventing or in any way burking a discussion with our non-official friends. But I think the House will recognise that what we wanted in this particularly difficult case was first of all that it should be examined by a really independent authority,—and I think we can congratulate ourselves that we have got that authority now,—and that the two Governments on the basis of the advice given by that authority shall if possible come to an agreement.

I think my Honourable friend in addition asked whose should be the final decision. The decision will obviously be taken after this Tribunal has made its recommendations. For the rest it will be a decision by agreement between the Governments of India and Great Britain.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, this is of course a highly technical question and I would not have risen but for an idea that has just struck me. I find that though it is not a political question or a constitutional question but a question in which enormous financial obligations for India are involved. I do not, however, think that questions in which financial obligations are involved are not as important as political and constitutional questions are. I could not understand my Honourable friend opposite when he said that it was only a financial question and, therefore, it should not have the same importance as other questions. I think, Sir, that in a matter like this in which this Assembly has been endeavouring from the very beginning of its existence to get some sort of control, the House must have been asked to pronounce its opinion. At present no doubt it is only an advisory body, but at least that opinion of the House would have helped Government to a very great extent, and the feeling that we are treated with contempt would not have arisen in our minds. However, now that the Tribunal has been appointed, I feel that we cannot undo it and have our own tribunal. But there is one step still left and that is the appointment of a Counsel for India. My Honourable friend on the other side just said that two Counsels are going to be appointed, one a British barrister and the other a lawyer from India. I think this question is a very simple one, the lawyer who will be given the charge of pleading the case of India will have only to plead the case. The Counsel will not write the judgment and they will not have any say in the recommendations.

I would therefore like that the Government of India will see where the wishes of the Indian people would lie in a matter like this. I think the Government will agree with me that of all Indians in India it was Mr. Muhammad Ali Jinnah who has taken a very keen interest in military matters. He had been on all the committees which were appointed in the last six or seven years to consider this question in different forms. He had taken up this matter here in this Assembly on behalf of his party : this military question was his pet question. He is there in England at present and he is practising there as a barrister. I think if the Government would like to secure to some extent the confidence of the people of India, then it would be much better to approach him and get his consent to work as a counsel on behalf of India. So far as I know he is the only Indian lawyer at present who can do justice to the case of India. That is the suggestion which I thought I must make at this moment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, from the proceedings of the Round Table Conference I understood that the future position of the Army will be considered by some committee and probably the conclusions would be embodied in the Government of India Act. I thought that the appointment of the Tribunal at this stage was really putting the cart before the horse. First we should know what will be the position of the Army in future and then and then alone we can appoint such a tribunal to discuss the financial arrangement. As far as I am concerned, I consider it a sporting question and probably some Members on the other side will answer what is the meaning of the British Army in India—whether the British Army in India is a British Army or an Indian Army. This is a point which I never understood. Either it should be an Indian Army or it should be a British Army. If it is British Army it should be maintained entirely by British Exchequer. I thought that the main question about the Army ought to be settled prior to the financial discussion, that is to say, how much Army we require for India which may be considered to be sufficient for maintenance of internal peace. It is immaterial whether it is manned by Indians or by Britishers. It is immaterial whether soldiers are Indians or Britishers, the Army would remain an Indian Army. It should be paid entirely by India. In addition to that we require some Army for the defence of the British Empire and that Army which is required for the defence of the Empire may be posted either in India or in Canada or in England or in any other colony forming part of the British Empire ; and this particular Army which is required for the defence of the Empire ought to be maintained by the Defence Council by a common fund to which India also should contribute : it might contribute a lump sum irrespective of the strength of the Army. If we follow this principle, the whole question of capitation will disappear. I believe very strongly that we should distinguish between the two classes of Army which we require, that is the Army for maintaining internal peace which should be paid entirely by India and there should be no capitation from either side : we should pay nothing to England for maintaining our Indian Army and we should not expect anything from England for maintaining it. In addition to that we require an Army for the defence of the Empire and we must have our own quota. This thing ought to be paid in lump sum to the defence council and it should be for the defence council to determine the strength of this Army and to determine where the Army should be placed. But at present the whole question of capitation for future application is premature. First we should settle the main question what should be the future of our Army, and afterwards the financial side should be adjusted. I am afraid the procedure of appointing a tribunal would really mean that no change is contemplated in the future administration of the Army in India and the whole question about the Army in India is intended to be shelved. That is the interpretation which I place upon it. I consider that the appointment of this Tribunal is premature and we ought to have waited for another year till the main issues have been decided.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Sir, I have been very carefully listening to the speech of the Honourable Mr. Tottenham. One part of his speech was very difficult for me to digest. I understood him to inform the House that the two Governments, the Imperial and the Indian Governments, were preparing their respective briefs

and that their respective cases were in the course of being constructed, while the selection of the counsel has yet to be made. I take it that so far as the building up of the case is concerned, so far as the selection of the material, so far as the marshalling of the material is concerned, the counsel will have no hand in that. It is being collected by people who are probably experts from the military point of view....

The Honourable Sir Alan Parsons : And financial.

Mr. B. R. Puri : And financial, I grant you that ; but may I know where does the counsel come in and further whether you have invited the co-operation of any non-official Members of this House—those who have been criticising and commenting upon these capitation charges during the past many years and regarding this subject I understand from my Honourable friend, Mr. B. Das, that an understanding was given by the Honourable the Finance Member that the non-official opinion will receive due consideration whenever this question would come up before any tribunal.

Now, I would like to ask the Government, whether it would not be desirable that the counsel's opinion and help was taken before the case was finally prepared and also whether it would not be desirable to take the non-official opinion in the preparation of the brief. It would be very unfortunate if all this help is disregarded, which would be easily available and a bad or indifferent case is put before the Tribunal. Unless the course suggested is adopted the task of the counsel, however eminent he may be, will be either to read to the Tribunal the brief which has been prepared for him or at best to paraphrase it. He has had no opportunity of advising as to the suitability of the material upon which our case is to rest. While there is yet time this necessary help should be availed of.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, at this late stage of the discussion on the adjournment motion, I am very very sorry that I should have to stand up and address this Assembly after hearing my many friends who have spoken so very eloquently ; but after the information that has been furnished not only by the Army Secretary, but also by the present Finance Member, who is an old Member of this Assembly, I must say this : the military question has been discussed in this Assembly for a long time and the complaint of the people of this country has been not merely since the arrival of my esteemed friend from Bengal interrupting me, but ever since the reformed Assembly has been sitting not only at this height of Simla but also in the Imperial City of Delhi.

(At this stage Mr. President vacated the Chair which was taken by Sir Hari Singh Gour.)

If my Honourable friend, Mr. Ghuznavi, will exercise a little patience,—he has been a little lucky owing to the Round Table Conference (Laughter),—he will find that this question of capitation has been engaging the attention of the people of India not after the speech that was made by Sir Phiroze Sethna in the

[Mr. K. Ahmed.]

Round Table Conference in England, but after the thoughtful speech made by my friend, Mr. Jinnah, who happened to be a leading member of the Shea or Skeen Committee. (*An Honourable Member* : "Skeen Committee ?") My Honourable friend from Bengal need not correct me when he is quite ignorant of the recommendations of these Committees, because he was not then a Member of this House. (Laughter.) But, Sir, to-day is a great day, because an opportunity has been given to us to discuss the question of expenditure incurred on military, and we must be grateful to our friend, Mr. B. Das, for bringing forward this important motion in this House.

Sir, let us see the sweet test of the Government. Government have selected two people to represent the people of India, one is the Chief Justice of the Lahore High Court and another is the Chief Justice of the Allahabad High Court. But in to-day's *Hindustan Times* there appears a telegram from Lahore the sender of which says "that the inquiries made by me confirm my despatch, and I can reiterate that Choudhry Zafarullah Khan is being contemplated for the Capitation Tribunal as the Government of India's advocate". I am very much obliged to my friend, Mr. Tottenham, the Army Secretary, because he has disclosed certain things of which we were ignorant. Sir, who ever heard of the name of Choudhry Zafarullah Khan before in this Assembly? (Laughter.) It has been sounded, Sir, from one corner of the Round Table when an august friend of ours was selected as a member of that Round Table Conference on the recommendation of our distinguished representatives on the Executive Council.....

The Honourable Sir Alan Parsons (Finance Member) : I wish to explain, Sir, that there is no intention and never has been, of appointing the Honourable Choudhry Zafarullah Khan as the counsel in this case.

Mr. K. Ahmed : I am very much obliged to the Honourable the Finance Member, who has not yet sanctioned the amount of cost of his fee, and as such he may be equally ignorant like myself (Laughter) about the whole matter. It is not his Department which engages these people ; his Department only makes payments just as...

The Honourable Sir Alan Parsons : I was speaking on behalf of the Government ?

Mr. K. Ahmed : May I know by whom has he been authorised to tell me that ? Has he been authorised by the Executive Council or by the Home Member or by the Viceroy or by the Secretary of State to tell me that ? If he gives me an undertaking that Choudhry Zafarullah Khan is not going to be appointed as the counsel in this case, then all the material I have collected to array against Government will be lost. I must say, Sir, that if they are going to select this gentleman, then their test is very very bad. Their selection has not been advantageous to the people of this country, nor would it be in any way useful to the country. Ever since we heard of his name, it has been sitting on me

like a nightmare from morning till evening and not from evening till morning (Laughter), because directly or indirectly all the cost on him would have been wasted and his choice would not have been in any way beneficial to the people of this country. Now, Sir, what are the issues before this Capitulation Tribunal which the Government are contemplating to appoint? The issues are these, that you are going to appoint two counsel who are going to represent the people of this country...

An Honourable Member : You may be one of them. (Laughter.)

Mr. K. Ahmed : Yes, I may be one of them, quite so (Laughter)—and I am glad of it, because I am representing thousands and thousands of electors and voters of this country and millions and millions of people,—but, Sir, cannot my voice be arrayed against the voice of the Government of India representatives two of whom will be from the two High Courts and the other European gentleman, Mr. Macgoran, a counsel of eminence, whom I had the honour to...

The Honourable Sir Alan Parsons : Sir, on a point of order. I should like to know whether the discussion of the names of possible people who may appear from the Government of India before this Tribunal is in order on a motion to adjourn the House on a definite matter of urgent public importance, namely, the unsatisfactory character of the terms of reference to the Tribunal.

Mr. Chairman (Sir Hari Singh Gour) : The Honourable Member is striving to show that the Government of India have taken action behind the back of this House and that this House was not consulted, and consequently he is criticising the recommendation that the Government of India are reported to have made without consulting this House.

Mr. K. Ahmed : I am very thankful to the Chair, Sir, because the Chair has correctly interpreted what I was trying to drive at. If my Honourable friend, Sir Alan Parsons, had the patience to appreciate the point that I was trying to drive at, he would have been the best European gentleman to-day occupying the Government Benches after serving in the Railways and trying to expand those railways for thousands and thousands of miles. (Laughter.) Now, the question is, are we the people of India properly represented before this Capitulation Tribunal? Do the people of India represent themselves at all properly by engaging a counsel like Choudhry Zafarullah Khan...

The Honourable Sir Alan Parsons : I have already stated quite definitely that there is no intention on the part of the Government of India to appoint the Honourable Choudhry Zafarullah Khan as counsel on this Tribunal, nor, if I may say so from my personal knowledge of him, if there were any such intention, would he desire to accept any such appointment.

Mr. K. Ahmed : I am very much obliged to my Honourable friend for the undertaking he has given that the news that has been pub-

[Mr. K. Ahmed.]

lished in the *Hindustan Times* this morning about the probable selection of Choudhry Zafarullah Khan is incorrect, and I congratulate my Honourable friend for giving us this assurance.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) resumed the Chair.]

I am glad, Sir, that the Government of India have realised the situation and that a gentleman who had no work to do until recently, and who was getting Rs. 100 per day when working and Rs. 50 per day when there was no work to do in the court in Delhi before another Special Tribunal as Public Prosecutor, is not going to be selected to represent the people of India before this Capitation Tribunal. Before that he was in the Round Table Conference, and therefore if a counsel like him was engaged in this case that would not be doing justice to the people of this country, nor...

Sir Cowasji Jehangir : I rise to a point of order. The Honourable Member is making distinct reflections upon an Honourable Member of the Council of State. I do not know whether he was ever a Member of this House, but he has a right to sit and address this House ; and in pure justice I rise to a point of order that no Honourable Member should be allowed to make these personal reflections.

Mr. K. Ahmed : That is not a point of order.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. Take your seat please. (To Mr. K. Ahmed.)

Sir Cowasji Jehangir : I will explain my point of order more fully. The Honourable Member has been referring to an appointment to be made by the Government of India, and he has brought forward a paper which reported the appointment of a certain gentleman. That rumour was contradicted by Government. Notwithstanding that, my Honourable friend has been making personal remarks about that Honourable gentleman who happens to be at present a Member of the Council of State and who has a right to sit and address this House as a temporary Member of the Government. And the personal remarks that he made just now were that he was not capable, or did earn only Rs. 100 a month (*An Honourable Member* : "A day.") That he was getting briefs of Rs. 100 a day, or Rs. 50 a day while he was not capable...

(At this stage Mr. K. Ahmed rose in his seat.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order.

Sir Cowasji Jehangir :while he was not capable of earning Rs. 100 a month.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Personal reflections of that character are not allowed. The Honourable Member's time is up and he cannot resume his speech.

Mr. K. Ahmed : I rise to a point of order, because certain facts have been mis-stated by the Honourable Member.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : What is the point of order ?

Mr. K. Ahmed : I will tell you if you have the patience to hear. My Honourable friend has raised the objection that there is a personal reflection in my remarks. Nothing of the kind. I have said only that his fee was fixed at Rs. 100 per day during working hours, and Rs. 50 a day when he had nothing to do except reading the briefs. That is not a reflection. The fact cannot be minimised that his fee was nothing more than Rs. 100 a day. It is not myself, it is.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is giving a personal explanation without raising a point of order.

Mr. K. Ahmed : And, therefore,.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. Mr. Ranga Iyer.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I listened with very great interest to the speech of my Honourable friend, Mr. Tottenham.....

Mr. K. Ahmed : I wish to rise again if you will kindly allow me. I am sure you will protect the rights of the Members of this Assembly whenever they are curtailed.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Does the Honourable Member wish to rise to make a personal explanation ?

Mr. K. Ahmed : Yes, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Let it be a purely personal explanation.

Mr. K. Ahmed : Very well, Sir. You know you have come back in this House not even 15 minutes, and probably not even 5 minutes before. I started speaking just at 5 o'clock and it is now 13 minutes past. The time limit is 15 minutes, and if you will allow me.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member said that he was rising to a personal explanation. Is that the personal explanation which he is offering ?

Mr. K. Ahmed : Explanation about the protection of the rights of Honourable Members to speak.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair keeps the time for every speaker and exercises its right of restricting each Member to the time limit of 15 minutes. The decision of the Chair in regard to the time occupied by a speaker cannot be challenged.

Mr. K. Ahmed : In spite of the fact.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. Mr. Ranga Iyer.

Mr. C. S. Ranga Iyer : I was saying that I listened to the interesting speech of the Honourable Member, Mr. Tottenham..... (*An Honourable Member* : "Louder please.")....with all attention. I thought that he

[Mr. C. S. Ranga Iyer.]

himself was labouring under a difficulty..... (*An Honourable Member* : "Please speak up. We cannot hear.")..... in regard to the terms of reference for he had to explain some of the doubts which existed on this side and still continue to persist—doubts which found expression in the interruption from the Honourable Member from Bombay. He stated to us that in the second clause which deals with the examination of India's claim that a contribution should be made from the Imperial revenues towards the military expenditure to the Indian revenues the British Government had in mind really the British army and not the Indian army. That came on some as something new because they had doubts on this matter, but it is welcome news.

Sir, it is really satisfactory that after an age-old agitation on the question of army expenditure beginning from the days of Dadabhoj Naoroji of honoured memory (Hear, hear) the British Government have decided to appoint an important tribunal. I am not here to cast any personal reflection of any kind whatever on the very important personages who happen to be in the tribunal. Both of the Indian Judges, whom I know, are men of great distinction. Mr. Chief Justice Suleiman, (*A voice* : "Sir Suleiman.")—well, I knew him when he was "Mr."—who is only 46 years of age, is known to be a man of great calibre in the United Provinces. Any one who had known his career at the Bar and his work as a judge will say that a better appointment could not have been easily made. As for Sir Shadi Lal, he is very famous as a judge, he was very famous as a barrister with a roaring practice. As I said, far be it from me to cast any reflection on the personnel of this tribunal. And when my Party decided that its Chief Whip Mr. B. Das should move this censure motion, the purpose of my Party was to draw the attention of this House more to the terms of reference and not at all to the personal aspect.

Now, then, as pointed out by the Leader of the Independent Party in his usually lucid and eloquent speech, it is deeply regrettable that this House should have been treated as a Cinderella in all matters of political, constitutional and financial importance. I do not quite agree with the Army Secretary when he says that this is purely a financial question, that it is neither political nor constitutional. I believe that is what he said. I personally beg to differ from him. It is a political question ; it is a constitutional question ; it is also a financial question. Politics, finance, constitution, all these things go together. After all, you cannot take away the financial aspect from the constitutional aspect. When the Round Tablers were discussing in London the Indian constitutional question they were not leaving out the army matter at all, and I would warn the Government with all seriousness that if they keep the military question out of the constitutional picture on the pretext that it is a financial matter they will be creating a situation which we all know will be very difficult for any Government to face. The patience of the constitutionalists will be exhausted if the military question is to be taken out of the constitutional picture on the pretext of its being a financial question.

The Honourable Sir Alan Parsons : But nothing of the sort has been done, Sir. This is merely a question of the financial terms on which existing British troops shall be employed in this country.

Mr. C. S. Ranga Iyer : I am told that it narrows down to a particularly financial issue, which obviously explains why the Leader of the

House has not yet taken part in this debate. (Laughter.) I do hope that the Government would treat this as a constitutional question and I do hope that the Honourable the Leader of the House will emerge from his silence and enlighten this House because of the great information that he possesses on military and financial matters, for I remember the days when he used to be a financial expert even as a non-official politician. Now, the important question is this, why should Indian non-officials be excluded? Why was this Assembly not consulted? If you examine the personnel, you find that Colonial non-officials have not been excluded. The Chairman of the Committee, as I understand, was lately Solicitor General to the Commonwealth Government of Australia. He is now a non-official but here in India we find only officials are selected. As I have stated, they are men of great eminence but there should have been experienced non-officials besides who can also bring to bear on this problem all their wisdom and knowledge. This House has not been represented on the Tribunal. Why should this Assembly be treated permanently as something of an untouchable? ("Hear, hear" and cries of "Shame"). I can perfectly understand the Honourable the Leader of the Independent Party emphasizing this aspect of the matter. We were told that this is not the time to discuss this censure motion. I think we had to bring forward this motion for the simple reason that the Government did not table a motion for the purpose of discussion in this House.

Sir, the most difficult and formidable aspect in the terms of reference is in the third clause: to examine the War Office claim that India should pay a direct contribution towards the cost of regular and supplementary reserves. The War Office wants India to pay more and more and more. The tragedy about the military question in this country has always been the supremacy of the War Office. It is the War Office really that has been regulating the Indian military administration. It is the War Office really that has been dictating that India should bear so much of Imperial burden. It was recognised by British statesmen of the 19th century that India should not pay for the British Army of occupation. I call it an Army of occupation for the very simple reason that the British Army is kept here for Imperial purposes. I admit that the expenses of our own Army when it goes out are paid from Imperial revenues but this British Army kept in India for Imperial purposes should have been paid for by Great Britain. This fact has been admitted by Mr. Ramsay MacDonald that remarkable genius and talented author of the Government of India in his numerous writings and speeches on India. The great Socialist Chief of a largely Tory Cabinet has admitted that this burden should not have been put on the Indian people. I think the Simon Commission had considered this matter and now here is the War Office which wants to put more and more burdens on the Indian people. As War Office domination continues no wonder Indians want absolute control over Army matters. There can be no constitutional freedom—that fine phrase which our revered Leader of the House used the other day—without complete control of the defence. Such is the feeling in the country, which puts in the forefront of the picture this military question because self-rule and self-defence go together. If Great Britain wants to keep an Army in India for Imperial purposes, she must pay for its maintenance. If Great Britain is not willing to pay for that Army, then ye should immediately start military colleges all over the provinces. We must have an Indian Army, a Dominion Army, as the Simon Commission puts it, when India is elevated

[Mr. C. S. Ranga Iyer.]

to dominion status, as she claims she ought to be elevated without further delay. Therefore, Sir, this Advisory Tribunal does not command our enthusiasm, because it is an advisory committee after all. We have been benevolently told by the Honourable gentleman opposite (Sir Alan Parsons), that its report will be placed before the House. We know, something of Commissions and the fate of Commissions' reports. We know, how the Advisory Tribunal's verdict will be treated if it is unsavoury? We want the transfer of the supremacy of the War Office to a legislature responsible to the people of this country. That is the live issue of the day and that issue is being shelved. At any rate that is the public suspicion—because the British Government reserves to itself the right of forming final conclusions on this matter. Now, we deny the British Government the right of forming its conclusions on this matter without the co-operation of the representatives of the people of this country. I do not want to cast any reflection on the Round Tablers but it is a constitutional phrase to say that they were nominees of the Government and not the elected representatives of the people, though some of them happily happen to be elected Members of this House but they are only a handful, a small minority. The Round Table Conference was dominated by the favourites of the Government, on whom the Government have showered favours, ignoring the Legislatures of this country—the prize boys of a foreign bureaucracy (Hear, hear). Sir, I have got only two more minutes and I would ask the Honourable gentlemen responsible opposite to inform His Majesty's Government and ask them to make amends, if it is still possible to make amends, by drawing from the Indian non-official public some prominent leaders or leader, for instance, like Sir Sivaswamy Aiyar, who is a great Army expert besides being a lawyer of eminence. A man like Sir Sivaswami should have been put on this Tribunal, especially when a Colonial non-official happens to be its Chairman. Why should India be treated differently from the Colonials? If a Colonial non-official can be a Chairman of this Tribunal, surely an Indian non-official ought at least to have been a member of it.

Several Honourable Members : The question be now put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I accept the closure. The question is that the question be now put.

The motion was adopted.

Mr. B. Das : Sir, I agree with one portion of the speech of my Honourable friend Mr. Tottenham that in financial and Army control matters the Government of India and the non-officials in India are agreed almost on every point. But thereafter I could not agree with him. Although the Army Secretary is in possession of the secrets of His Excellency the Commander-in-Chief and the War Office, all the time he used the phrase 'As I understand'. He understands the communiqué in one way and we understand it in another way. I am sorry to differ from my Honourable friend Sir Alan Parsons and my friend Mr. Tottenham in their interpretation of the terms of reference. I could not understand why my friend Mr. Tottenham could not produce the original document that came from the War Office and why were these terms of reference mutilated? He says that the terms of reference in

(b) and (c) should be taken as part of (a). Now why this mutilation? Well there has always been a difference between the War Office and the British Government on one side and Government of India on the other, and, naturally, the difference must remain. I was glad to learn from my friend the Army Secretary that what the Round Table Defence Committee recommended, the Commander-in-Chief's expert committee has reported on, but I want to know how they came to definite conclusions on those points raised at different times here or at the Round Table Conference by our representatives, when there are various points which are still to be settled. There are various points which require non-official assistance, there are problems to which I have already referred in my opening speech concerning Imperial defence which no army committee in India can settle. The representatives of the Dominions must be invited to bear their proportionate expenditure, so that India does not become unnecessarily saddled for the defence of the British Empire and the Dominions. Sir, I agree with my Deputy Leader, Mr. Ranga Iyer, that none of us had or have any intention of casting reflection on the personnel of the Committee; but I entirely agree with him that, however eminent the men are, non-official India must find representation there. At the same time I want a reply from my Honourable friend, Mr. Tottenham or my Honourable friend, Sir Alan Parsons, as to why is it that the definite assurance given by Sir George Schuster in this House that a non-official committee would be taken to England to advise the Defence Council in London when such matters are discussed is not being given effect to.

The Honourable Sir Alan Parsons : Will the Honourable Member kindly give me the reference to that definite assurance? I have not been able to find it.

Mr. B. Das : I have not just now got the exact reference, but two or three years ago Sir George Schuster referred to this matter, and this is the definite impression which we on this side of the House gathered.

The Honourable Sir Alan Parsons : I only asked the Honourable Member because I had not been able to find the reference. I am not at all sure that it is in existence!

Mr. B. Das : Sir, my friend, Mr. Tottenham, appealed to me to withdraw the motion, but I feel that he has not satisfied me or anybody in this part of the House that this arbitration Tribunal is appointed only to settle the capitation charges. That Tribunal, I fear, is going to settle important constitutional, political and financial questions behind our backs, behind India, behind our representatives at the Round Table Conference, and, for that, I want to censure the Government of India; but I wish to make it plain that the Government of India and we are agreed entirely in our views on the Army capitation question and also on various larger issues. If I censure the Government of India now and if they are the scapegoats of my motion, I, in reality, censure the British Government and the War Office for their high-handedness.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :—
That the House do now adjourn.

The Assembly divided :

AYES—18.

Bagla, Lala Rameshwar Prasad.
Das, Mr. B.
Gour, Sir Hari Singh.
Lalchand Navalrai, Mr.
Maswood Ahmad, Mr. M.
Neogy, Mr. K. C.
Pandian, Mr. B. Rajaram.
Pandit, Rao Bahadur S. R.
Puri, Mr. B. R.

Ranga Iyer, Mr. C. S.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sadiq Hasan, Shaikh.
Sant Singh, Sardar.
Sen, Mr. S. C.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Thampun, Mr. K. P.

NOES—49.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Aiyar, The Honourable Sir C. P. Ramaaswami.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Amir Hussain, Khan Bahadur Saiyid.
Anwar-ul-Azim, Mr. Muhammad.
Bajpai, Mr. G. S.
Banerji, Mr. Rajnarayan.
Clow, Mr. A. G.
Dalal, Dr. R. D.
Dash, Mr. A. J.
DeSouza, Dr. F. X.
Fazal Haq Piracha, Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Fox, Mr. H. B.
Ghuznavi, Mr. A. H.
Graham, Sir Lancelot.
Greenfield, Mr. H. C.
Gwynne, Mr. C. W.
Haig, The Honourable Mr. H. G.
Hezlett, Mr. J.
Hossack, Mr. W. B.
Ishwarsingji, Nawab Naharsingji.
Ismail Khan, Haji Chaudhury Muhammad.
James, Mr. F. E.

Jawahar Singh, Sardar Bahadur Sardar.
Jehangir, Sir Cowasji.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Mackenzie, Mr. R. T. H.
Macqucen, Mr. P.
Metcalf, Mr. H. A. F.
Morgan, Mr. G.
Mukherjee, Bai Bahadur S. C.
Naydu, Rao Bahadur B. V. Sri Hari Rao.
Nichols, Mr. H. L.
Noyce, The Honourable Sir Frank.
Parsons, The Honourable Sir Alan.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar, Captain.
Smith, Mr. E.
Sorley, Mr. H. T.
Suhrawardy, Sir Abdulla-al-Māmūn.
Tin Tut, Mr.
Tottenham, Mr. G. R. F.
Yakub, Sir Muhammad.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 7th September, 1932.