

30th March 1938

THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume III, 1938

(24th March to 12th April, 1938)

SEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Wednesday, 30th March, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†1055*—1087*.

MECHANISATION OF A PORTION OF THE INDIAN PART OF THE INDIAN ARMY.

1088. ***Mr. B. B. Varma** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Defence Secretary state:

- (a) whether Government are contemplating the mechanisation of any portion of the Indian part of the Indian Army;
- (b) if so, whether they have finished consideration of the schemes of such mechanisation; and
- (c) if so, what are the details of the scheme?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) and (c). It has been decided to convert two Indian cavalry regiments to armoured car regiments. No further details can be given at present, except that the initial cost is estimated at Rs. 49 lakhs and the recurring saving at Rs. 4.83 lakhs.

Prof. N. G. Ranga: Has the attention of the Government been drawn to what has appeared today in the *Hindustan Times* that two responsible officers of the army are being sent to England to get into touch with the Home defence authorities, and if so, are they going there in connection with the mechanisation of any portion of the Indian army?

Mr. C. M. G. Ogilvie: I cannot see that the Honourable Member's question arises from that on the paper.

Mr. Abdul Qaiyum: May I know if the consideration of the scheme of mechanisation is taking place here or in England?

Mr. C. M. G. Ogilvie: Here.

Mr. Abdul Qaiyum: Not in England?

Mr. C. M. G. Ogilvie: No.

Prof. N. G. Ranga: Are any representatives going to be sent to England in regard to this mechanisation of the Indian Army with a view to get any more money from the Government of England?

Mr. C. M. G. Ogilvie: I cannot see that it arises from this question.

† These questions, which were on the Order Paper for the 29th March, 1938, have lapsed, the meeting fixed for that date having been cancelled.

GRADUAL ABANDONMENT OF THE SIMLA EXODUS.

1089. ***Mr. B. B. Varma** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable the Home Member state:

- (a) whether they have calculated the approximate saving to Government on account of the decision not to move certain offices to Simla; if so, what is the amount saved;
- (b) whether there is any programme to reduce, year by year, the number of the officers and staff moving to Simla; and
- (c) if so, what is the programme, and in how many years they expect to go through the whole programme, and what will be the amount of saving?

The Honourable Sir Henry Craik: (a) I lay a statement on the table.

(b) and (c). The question is under consideration.

Statement showing the approximate anticipated saving in the expenditure consequent upon the permanent location in Delhi of certain offices of the Government of India.

Office.	Anticipated saving.	Remarks.
	1938-39. Rs.	
Imperial Council of Agricultural Research Department.	8,400	
Office of the Director of Civilian Aviation	10,000	From 1939-40 the saving will be increased to Rs. 25,000.
Office of the Chief Controller of Stores, Indian Stores Department.	14,000	From 1939-40 the saving will be increased to Rs. 70,000.
Federal Public Service Commission	5,050	
Office of the D. G., I. M. S. (including that of the Public Health Commissioner with the Government of India).	9,000	
Office of the Director General of Archaeology	6,300	
Total	52,750	From 1939-40 the saving will be increased to Rs. 1,23,750.

Prof. N. G. Ranga: If that statement is not very long, may we have it read so that we may be able to put some supplementary questions?

The Honourable Sir Henry Craik: I can give the Honourable Member the gist. The anticipated saving in 1938-39 is Rs. 52,750: in 1939-40 the saving will be increased to Rs. 1,23,750.

Mr. Manu Subedar: In the calculation of the savings, has the Honourable Member only included travelling or hill allowances or has he included all other items?

The Honourable Sir Henry Craik: Everything. One of the principal items is the hire of houses in Simla.

Mr. Abdul Qayyum: May I know if Government will consider the question of carrying out the entire programme within say five years?

The Honourable Sir Henry Craik: I am not prepared to give an undertaking to that effect.

CONTRIBUTIONS TO PROVINCES FROM CENTRAL REVENUES.

1090. ***Mr. B. B. Varma** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable the Finance Member state:

- (a) whether the actual amount that has to be distributed to the Provinces has been determined; and
- (b) if so, what is the amount and how much each of the Provinces gets?

The Honourable Sir James Grigg: (a) and (b). I would refer the Honourable Member to the statement which was published in the Press on the 23rd instant.

Mr. Kuladhar Chaliha: Will the Honourable Member please state what is the amount going to be distributed to the provinces?

The Honourable Sir James Grigg: I have referred the Honourable Member to the statement where the total amount as well as the individual amounts are stated.

Prof. N. G. Ranga: Are the Government aware that these amounts that are distributed today to these various provinces in some cases fall far short of the amounts that the Government of India had informed the Provincial Governments that they would be entitled to get?

The Honourable Sir James Grigg: The original information given to the provinces was given under every reserve and on an entirely provisional basis. The Provincial Governments understood perfectly clearly what the position was and they at any rate have not attempted to manufacture the grievance which the Honourable Member is seeking to manufacture.

Seth Govind Das: On what principle is this distribution made to some provinces more and to some less?

The Honourable Sir James Grigg: On the principle laid down by the Niemeyer Order in Council.

Prof. N. G. Ranga: Are we to understand that the provinces were given to understand that it is quite possible that they might get very much less than the estimate of my Honourable friend?

The Honourable Sir James Grigg: I have not the slightest doubt that every single Provincial Finance Minister understands clearly the nature of an estimate as compared with realisation.

EXEMPTION OF PENSIONS FROM INCOME-TAX.

1091. ***Mr. B. B. Varma** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will the Honourable the Finance Member state:

- (a) the basis for the practice of exempting the pensions of pensioners residing in India and abroad from income-tax;
- (b) when similar provision of law is not obtaining in any other country, whether he has considered the advisability of changing the law in this matter; and

- (c) whether Government ever made representations to the Secretary of State in this matter?

The Honourable Sir James Grigg: (a) The practice referred to is based on the principles underlying our Income-tax law. The law taxes income which accrues or arises or is received in British India but the Lahore High Court recently held that pension drawn in England even by a pensioner resident in British India did not accrue or arise in British India and was not, therefore, taxable.

(b) No.

(c) No.

CHARGING OF FULL DEMAND NOTICE AND DISTRESS WARRANT FEES FROM POOR PERSONS IN THE LAHORE CANTONMENT.

1092. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether it is a fact that at Lahore Cantonment the present Executive Officer has started charging full demand notice fee and distress warrant fee from poor persons, as well as rich?

(b) Is it a fact that his predecessors were charging less fee from poor persons in view of the fact that they cannot pay taxes quickly and the fine on them should not be so heavy?

(c) Is it a fact that when the matter was agitated in the Board by the elected members, the official President ruled that the Board could not lay down any policy in this matter and the Executive Officer alone is to decide whatever he thought best?

(d) Are Government prepared to issue instructions to the present Executive Officer to follow the policy dictated by the Bazar Committee in this respect?

Mr. O. M. G. Ogilvie: (a) and (b). No.

(c) Yes.

(d) No.

PROPOSAL FOR COMPULSORY PRIMARY EDUCATION IN THE LAHORE CANTONMENT.

1093. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether it is a fact that the Bazar Committee of Lahore Cantonment decided to introduce free compulsory primary education in Ward No. 4 Saddar Bazar?

(b) Is it a fact that the Executive Officer, backed by two official members, objected that this matter was not within the province of the Bazar Committee?

(c) Is it a fact that the elected majority on the Bazar Committee decided against the wishes of the Executive Officer?

(d) Is it a fact that this resolution of the Statutory Bazar Committee was overturned by the Board by official majority?

Mr. O. M. G. Ogilvie: (a) Yes.

(b) No. The objection was raised by an elected member. The two official members of the bazar committee were also of the same opinion.

(c) No. The decision was made by the majority in the bazar committee. The Executive Officer is not a member of the committee.

(d) No. The Board accepted the issue in principle and decided to refer it to the Finance Committee.

WITHHOLDING OF CERTAIN CORRESPONDENCE FROM THE BOARD BY THE EXECUTIVE OFFICER OF THE LAHORE CANTONMENT.

1094. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether, when the meetings of the Bazar Committee were stopped by the Executive Officer of Lahore Cantonment, there was some correspondence between him and the Inspecting Officer, Northern Command (Deputy Director)?

(b) Is it a fact that extracts from this correspondence were communicated by the Executive Officer to elected members, but he refused, when asked, to place the original letters on the table of the Board?

(c) Is it a fact that in the Board it was said by the President that this correspondence was confidential and privileged and could not be shown to the Board?

(d) Is it not a fact that the Executive Officer cannot withhold any correspondence from the Cantonment Board, which is the body corporate?

(e) What step or steps do Government propose to take to place this correspondence on the table of the Board, and stop continuance of this practice?

Mr. C. M. G. Ogilvie: (a) The meetings of the Bazar Committee were not stopped by the Executive Officer of Lahore Cantonment. No meeting of the Bazar Committee was held during the months of September and October, 1937, as it was thought that the Committee could not sit until the Board had decided what duties, functions and responsibilities under the various sections of the Cantonments Act should be entrusted to it. The answer to the latter part of the question is in the affirmative.

(b) Yes, under the orders of the President.

(c) Yes.

(d) and (e). The correspondence was withheld from the Cantonment Board by the President under the powers which vest in him under section 242 of the Cantonments Act.

CREATION OF A CLERK'S POST BY THE EXECUTIVE OFFICER OF THE LAHORE CANTONMENT WITHOUT CONSULTING THE BOARD.

1095. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether the Executive Officer of Lahore Cantonment recently created a new post of a clerk, without the previous sanction of the Board?

(b) Is it a fact that the post was advertised, and a clerk selected by the Executive Officer himself without the knowledge of the Board?

(c) Is it a fact that this clerk started attending office, before the Board knew of his appointment?

(d) Did the elected members of the Board seriously object to this procedure?

(e) Is it a fact that this very Executive Officer in Deolali Cantonment imported clerks from his previous cantonment?

(f) What steps do Government propose to take to stop their Executive Officers from doing things which are in the province of the Board?

Mr. O. M. G. Ogilvie: (a)—(d). No.

(e) Yes.

(f) Does not arise.

NON-PERFORMANCE OF HIS JUDICIAL WORK IN THE COURT ROOM BY THE COMMISSIONER, AJMER-MERWARA.

†1096. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable the Home Member please state whether it is a fact that the Commissioner of Ajmer-Merwara is also the District Magistrate and the District and Sessions Judge of Ajmer-Merwara?

(b) Is it a fact that Mr. B. J. K. Hallows, the present Commissioner, Ajmer-Merwara, does not do his judicial work as District Magistrate and as District and Sessions Judge in his Court room, but does it at his residence, where none but the pleaders of the parties concerned are allowed to be present before him at the time of hearing of cases?

(c) Is it a fact that poor persons can have no access to the Commissioner to present their applications personally to him, and that this is contrary to the practice in vogue under his predecessors-in-office since the advent of the British rule in Ajmer-Merwara?

(d) What steps do Government propose to take in the matter?

The Honourable Sir Henry Craik: (a) Yes, but it has already been decided to appoint a separate District and Sessions Judge for Ajmer-Merwara.

(b) The reply is in the negative.

I understand that all appeals in which the parties have a right to be heard are tried in open Court, and that, where miscellaneous applications are heard at the Commissioner's Home Office, both the pleaders and the parties are admitted.

(c) The reply is in the negative.

Applications are, I understand, received from poor persons almost daily. The Commissioner has spent most of the cold weather in camp, and has discussed problems freely on the spot both with the rich and the poor.

(d) Government do not propose to take any action in the matter.

INDIANISATION OF THE SUB-DIVISIONAL OFFICER ESTABLISHMENT IN THE MILITARY ENGINEER SERVICE.

1097. ***Rajada Hans Raj:** (a) Will the Defence Secretary be pleased to state what steps have been and are being taken to Indianise the Sub-Divisional Officer establishment in the Military Engineering Service (S. D. O. B. & R.; E. & M.; and F. & S.)?

(b) Is it a fact that during the last three years a large number of military mechanics and military foremen of works have been brought from England and that Indians holding higher qualifications of civil, electrical and mechanical engineering, have been kept back?

†Answer to this question laid on the table, the questioner being absent.

(c) Is it a fact that military mechanics and military foremen of works are being absorbed permanently in the Military Engineering Service?

Mr. C. M. G. Ogilvie: (a) 67 Indian Sub-Divisional Officers are at present employed in the Military Engineer Services. The question of further Indianisation is under consideration.

(b) and (c). Yes, but they count against military cadres and so do not prejudice the prospects of Indian civil personnel.

RECRUITMENT OF CIVILIAN ASSISTANT ENGINEERS IN INDIAN ARMY FROM ENGLAND.

1098. ***Razada Hans Raj:** (a) Will the Defence Secretary be pleased to state if it is a fact that recently the recruitment of Assistant Engineers (civilian) has been made from England?

(b) Were efforts made to ensure that equally qualified Indians were not available?

Mr. C. M. G. Ogilvie: (a) and (b). Yes.

INDIANISATION OF THE CADRE OF SURVEYORS OF WORKS IN THE MILITARY ENGINEER SERVICE.

1099. ***Razada Hans Raj:** (a) Will the Defence Secretary be pleased to state the total strength of the cadre of the Surveyor of Works and the Assistant to the Surveyors of Works in the Military Engineering Service?

(b) How many Indians are employed in each of the two cadres?

(c) Is it a fact that a number of European Surveyors of Works for the Military Engineering Service have been brought from England on very high salaries and some Indians equally qualified are given comparatively much less pay?

(d) Is it a fact that there is a great paucity of Indians in these posts and, if so, what steps do Government propose to take to Indianise the Service at any early date?

Mr. C. M. G. Ogilvie: (a) 20 and 32 respectively.

(b) 3 and 29 respectively.

(c) The scale of pay of British Surveyors of Works recruited on short term contracts from the United Kingdom for the Military Engineer Services is higher than that given to Indian Surveyors of Works appointed in India who are pensionable. The British Surveyors are also more highly qualified and experienced.

(d) The fact that there are only three Indians in the grade of Surveyors of Works is due to the fact that admission to this grade requires the possession of the diploma of the Chartered Surveyors' Institute, examinations for which are not at present held in this country. Very few Indians are therefore qualified. The possibility of holding these examinations in India is, however, being investigated.

Seth Govind Das: Whose fault is it that such a small number of Indians is qualified for these posts?

Mr. C. M. G. Ogilvie: I imagine nobody may be said to be at fault. The admission of Indians to the Military Engineering Services is a matter of comparatively recent date, and the creation of these posts of quantitative surveyors is a matter of still more recent date, only, I think, two years old.

Prof. N. G. Ranga: Has any attempt been made to give some scholarships to Indians and send them to England to qualify themselves for this service?

Mr. C. M. G. Ogilvie: No. A more economical method is at present being examined, of seeing whether the Chartered Surveyors' Institute will not hold their examinations in India.

SCHEME FOR THE TRAINING OF BRITISH YOUTHS IN THE DEFENCE OF THEIR COUNTRY.

1100. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Defence Secretary be pleased to state if the British Cabinet in the United Kingdom has been laying down schemes for the training of the British youths for preparing them for the defence of their country in case of war which is generally known as the two year training scheme?

(b) If so, will the Defence Secretary be pleased to lay the scheme on the table?

Mr. C. M. G. Ogilvie: (a) Government have no information.

(b) Does not arise.

Mr. Manu Subedar: The fact that wars are not now declared and in view of the tense situation in the world, have Government got any proposal on the lines of Lord Hardinge's action at the beginning of the last war, to take leaders of the people of this country into their confidence as regards defence schemes which they may have on hand?

Mr. C. M. G. Ogilvie: I am not aware of what Lord Hardinge's proposals were.

Mr. Manu Subedar: It is well known that Lord Hardinge had a conference with the leaders of the people to discuss the defence of the country and the defence of the Empire at the commencement of the last war. Have Government any proposal to take any Indian leaders into confidence on the defence scheme?

Mr. C. M. G. Ogilvie: I cannot see which defence scheme the Honourable Member is referring to. Our defence and mobilisation schemes are secret.

Mr. Manu Subedar: The question is so wide—it is whether the Government of India have any defence scheme for this country, and my supplementary question is whether in such defence scheme which the Government of India may have, do they propose to invite the leaders of all parties in this country into a conference or otherwise take them into confidence over such scheme?

Mr. C. M. G. Ogilvie: No.

TRAINING OF INDIAN YOUTHS FOR MILITARY SERVICE.

1101. ***Mr. Amarendra Nath Chattopadhyaya:** Will the Defence Secretary be pleased to state if the British Government in India has in contemplation any scheme for the training of Indian youths, irrespective of caste, creed, colour or race, for military service in case of any attack on India by any foreign power?

Mr. C. M. G. Ogilvie: No.

SCHEME FOR THE DEFENCE OF INDIA.

1102. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Defence Secretary be pleased to state if he has in contemplation any scheme for the defence of India?

(b) Are any arrangements being made for increasing the number of the defence army and for their up to date equipments? If so, what? What is the present numerical strength of the Indian army and the air force?

Mr. C. M. G. Ogilvie: (a) Schemes for the defence of India exist.

(b) No immediate increase to the army is contemplated. Equipment is, however, being brought up-to-date so far as finances permit. *e.g.*, by the mechanisation of certain units. The numerical strength of the Indian army in India and of the Air Force is given in the Actual Strength Return of the Army and the Royal Air Force in India, a copy of which is in the Library.

Seth Govind Das: What kind of scheme is this, and is this considered to be a confidential scheme?

Mr. C. M. G. Ogilvie: Certainly.

Mr. Manu Subedar: If it is confidential, may I ask whether it is proposed to reveal it in confidence to a few leaders of the people of this country?

Mr. C. M. G. Ogilvie: No.

Mr. K. Santhanam: With reference to the answer to part (b) of the question, is there any truth in the news published in this morning's papers that there is going to be some change in the numbers and other arrangements regarding British units in India?

Mr. C. M. G. Ogilvie: I cannot see how this arises out of this question.

Mr. K. Santhanam: It arises out of part (b) of the question, namely, "Are any arrangements being made for increasing the number of the defence army and for their up to date equipments?"

Mr. C. M. G. Ogilvie: I have answered that question. No immediate increase in the army is contemplated.

Mr. K. Santhanam: I am asking whether there are going to be any changes with reference to the British units in India.

Mr. O. M. G. Ogilvie: I cannot tell the Honourable Member what changes the future may bring forth.

DEPARTURE IN BUDGET PROCEDURE AS REGARDS DEFENCE DEPARTMENT GRANT.

1103. ***Dr. P. N. Banerjee:** With reference to the Honourable Mr. Nixon's statement in the Council of State that the Finance Department was not consulted, and that it was entirely a legal question, and that the Finance Department was merely informed that the statute required this particular demand (Defence Department grant) to be put into the demands for grants as non-votable, will the Honourable the Finance Member be pleased to state at whose instance this important departure in budget procedure was introduced?

The Honourable Sir James Grigg: As has been repeatedly stated on behalf of Government, there was no serious departure and, moreover, such change as was made followed, in the view of the Government of India, automatically from the terms of the Government of India Act.

Dr. P. N. Banerjee: By whom are legal questions decided?

The Honourable Sir James Grigg: By the Government of India.

Dr. P. N. Banerjee: Who are the legal advisers of the Government of India?

The Honourable Sir James Grigg: That does not arise out of this question.

Dr. P. N. Banerjee: It is said here that it is a legal question, and legal questions have to be decided by the legal advisers of the Government of India.

The Honourable Sir James Grigg: I have said, and I think the Honourable the Home Member has said in this House repeatedly, that Government do not disclose the names of individual advisers on topics which come before the Government for decision.

Dr. P. N. Banerjee: But the Government have certain legal advisers.

Mr. N. M. Joshi: Why do you not say the Law Member of the Government of India?

The Honourable Sir James Grigg: The Honourable Member knows who they are as well as I do.

Dr. P. N. Banerjee: Was the Law Member consulted?

The Honourable Sir James Grigg: I refuse to answer that question.

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

**COMPULSORY RETIREMENT OF CERTAIN MINISTERIAL STAFF IN THE
GOVERNMENT OF INDIA OFFICES.**

†1104. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please state if it is intended to retire at once all officers in the subordinate and ministerial grades in the Government of India Secretariat and attached offices, who have either attained the age of fifty-five years, or who have put in thirty years of service? If not, is the matter under Government's consideration, and when do they expect to arrive at a decision?

The Honourable Sir James Grigg: No. The Government of India have recently considered the question of the age of compulsory retirement of ministerial servants and have decided that future entrants to ministerial posts should be retired compulsorily on attaining the age of 55.

**OFFICERS IN THE GOVERNMENT OF INDIA OFFICES WITH THIRTY YEARS'
SERVICE OR ATTAINING THE AGE OF FIFTY-FIVE.**

†1105. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please lay on the table a statement containing the number of officers in each of the departments of the Government of India and their attached offices, who have either attained the age of fifty-five years, or have put in thirty years of service?

The Honourable Sir James Grigg: I do not think that the advantage to be gained by collecting the information will be commensurate with the amount of time and labour spent in collecting it.

CORRESPONDENCE PROPOSED DUTY ON CHEQUES.

1106. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member place on the table any correspondence he had with the Reserve Bank of India, or with any of the Local Boards, on the subject of the proposal involved in the Stamp Duty Unification Bill for the duty on cheques?

(b) Have Government asked for such advice, or, was it tendered on their own initiative?

(c) What reply have Government given on this to them?

The Honourable Sir James Grigg: (a), (b) and (c). Correspondence between the Government of India and the Reserve Bank is confidential.

Mr. Manu Subedar: Does the Honourable Member propose to publish the views of the Reserve Bank of India when he moves the Stamp Duty Unification Bill?

The Honourable Sir James Grigg: No. My answer covers that too.

**MINIMUM LIMIT FOR TREASURY BILLS ISSUED BY THE GOVERNMENT OF
INDIA.**

1107. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member state under what conditions and at what time and why the minimum limit of Rs. 25,000 was fixed for Treasury Bills issued by the Government of India?

† Answer to this question laid on the table, the question being absent.

(b) Did the Imperial Bank of India and/or the Exchange Banks, either individually or through their Association, make any representation to Government to this effect at any time?

(c) Have the Reserve Bank been consulted, or, have they offered any suggestion as to the propriety and usefulness of such a minimum limitation?

(d) Have Government considered the arguments for and against the reduction of this limit from Rs. 25,000 to Rs. 5,000 with a view to making the investment in Treasury Bills available to small parties?

(e) Have Government considered that greater competition in regard to Treasury Bills in this manner might result in a saving of interest?

(f) Will Government make a considered statement on this subject to this House?

The Honourable Sir James Grigg: (a) and (b). The minimum was raised from Rs. 10,000 to Rs. 25,000 in 1928 as a result of representations received from the banks.

(c) and (d). Yes.

(e) and (f). Government have no reason to believe that there is any widespread demand for a reduction in the limit, or that the response to such a reduction would be sufficient to have any material effect on the rate of interest.

Mr. Mann Subedar: Do Government contemplate any change in the near future?

The Honourable Sir James Grigg: No, Sir.

REFUSAL OF A PASSPORT TO CANADA TO MASTER KABUL SINGH.

1108. ***Sardar Mangal Singh:** Will the Honourable the Home Member please state:

- (a) whether it is a fact that Master Kabul Singh, M.L.A. (Punjab), has applied for a passport to Canada;
- (b) whether it is a fact that the object of his visit, as stated in his application, is to manage the property of his deceased brother in British Columbia and to bring back his brother's family to this country;
- (c) whether it is a fact that passport has been refused to him; and
- (d) whether, in view of the urgent and private nature of his business, Government are prepared to reconsider his case and grant him the passport; if not, why not?

The Honourable Sir Henry Orsk: With your permission, Sir, I propose to answer questions Nos. 1108 and 1109 together.

I am making enquiries and will lay replies on the table of the House in due course.

REFUSAL OF A PASSPORT TO THE CONTINENT AND ENGLAND TO ONE MR. VIRANDRA.

†1109. ***Sardar Mangal Singh**: Will the Honourable the Home Member please state:

- (a) whether it is a fact that Mr. Virandra, son of Mahasha Krishna, proprietor of the *Daily Partap* of Lahore, has applied for a passport to go to the continent and England;
- (b) whether it is a fact that he has been refused the passport; if so, why;
- (c) what is the object of his visit to Europe as stated in his application for passport; and
- (d) whether Government are prepared to grant him a passport under certain conditions?

MUSLIM PERSONAL LAW (SHARIAT) APPLICATION ACT, 1937.

1110. ***Mr. H. M. Abdullah**: Will the Honourable the Home Member please state:

- (a) if copies of the Muslim Personal Law (*Shariat*) Application Act, 1937, have been supplied to all civil courts in British India or not; and
- (b) if any of the Provincial Governments have made the necessary rules under section 4 of the Act?

The Honourable Sir Henry Craik: (a) It is for the Provincial Governments to supply copies of the Act to the Courts. The Provincial Governments also publish all Central Acts in their respective Gazettes for general information.

(b) The Government of India have no information as to whether any of the Provincial Governments have made rules under section 4 of the Act.

Maulvi Abdur Rasheed Ohaudhury: Will the Government of India enquire whether there are any rules under this Act made by any Provincial Government?

The Honourable Sir Henry Craik: I think that would be an interference in the functions of Provincial Governments.

OWNERSHIP OF THE TEMPLE IN THE ALLAHABAD FORT.

1111. ***Mr. Manu Subedar**: (a) With regard to his answer to starred question No. 520, on the 1st of March, 1938, will the Defence Secretary state whether the temple in the Allahabad Fort belongs to the state, or to the priest, or whether it is owned by the public and administered by a committee?

(b) If the temple belongs to the priest, when and under what conditions was it given, and on what terms and why?

Mr. C. M. G. Ogilvie: (a) Though the Fort is the property of His Majesty's Government, the temple is held on an Old Grant in the names of Jogis Udai Nath and Raghu Nath.

† For answer to this question, see answer to question No. 1108.

(b) The temple Jogis themselves state that the guardianship of the temple and the right to collect offerings are vested in some fifty priests, and that this arrangement has continued without interruption since long before the Fort was built.

Mr. Manu Subedar: Do Government propose to revise these arrangements by which the takings of the temple are appropriated by these jogis?

Mr. C. M. G. Ogilvie: No.

SYSTEM OF LICENCES FOR TRADERS IN CANTONMENTS.

1112. ***Mr. Manu Subedar:** (a) Will the Defence Secretary state in how many cantonments is the system of licences by traders instituted?

(b) What is the object of imposing these licences?

(c) Are any fees collected?

(d) Are the political views of the trader considered by the officer who gives licences?

(e) What are the considerations which the officer issuing licences takes into account?

(f) Have Government considered the question of abolishing such licences?

Mr. C. M. G. Ogilvie: (a) to (c) and (e). The attention of the Honourable Member is drawn to sections 210 and 211 of the Cantonments Act, 1924, which apply to all Cantonments. The object is to render the carrying on of the occupations concerned liable to control.

(d) No. Attention is drawn to sub-section (2) of section 210 of the Cantonments Act, 1924.

(f) No.

Mr. Manu Subedar: May I ask whether these sections are mandatory or permissive?

Mr. C. M. G. Ogilvie: They are mandatory.

Mr. Manu Subedar: Was it left to the discretion of the cantonment authorities to insist on the licence or not?

Mr. C. M. G. Ogilvie: As far as I know, no.

Mr. Abdul Qayyum: May I know whether the control includes the control of the political views of the traders?

Mr. C. M. G. Ogilvie: I have already said that it does not.

Mr. Lalchand Navalrai: May I know who issues to them these licences?

Mr. C. M. G. Ogilvie: The licences are issued at present, I imagine, by the Executive Officer.

Mr. Lalchand Navalrai: Are there any conditions put forward in these licences?

Mr. C. M. G. Ogilvie: Yes.

Mr. Lalchand Navalrai: What are they?

Mr. C. M. G. Ogilvie: They vary from cantonment to cantonment.

Mr. K. Santhanam: May I know whether there are any appeals against the refusal of such licences?

Mr. C. M. G. Ogilvie: The person aggrieved may appeal to the Board.

DISCRETIONARY GRANT TO ASSAM IN 1938-39.

1113. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Finance Member please state:

(a) if he is aware that for several years up to the last year for which actual accounts are available, the accounts of the Province of Assam disclose a deficit to the tune of thirty lakhs or more;

(b) if his attention has been drawn to the following passages in the speech of the Honourable the Finance Minister, Assam, in introducing the budget for the year 1938-39:

"On account of this state of Provincial Finances, the Ministry in spite of their best efforts could not get the funds for any heavy list of new schemes "....." I argued to the best of my ability with the authorities at Delhi about our claims for share in the excise duty on petrol produced within our boundaries. It is freely admitted that we have not had a fair deal under the Neimeyer Award "....." Something however must have to be done if the Government is to meet the insistent demand for improving the educational, hygienic and economic condition of the masses";

(c) if the grant-in-aid to Coorg at page 639 of the Demands for Grants (1938-39) of Rs. 1,72,000 is a statutory or discretionary grant; if discretionary, what is the special necessity for it; and

(d) if the Honourable Member contemplates any discretionary grant to Assam in 1938-39; if so, what is the amount?

The Honourable Sir James Grigg: (a) and (b). Yes.

(c) It is a discretionary grant but is given in accordance with a recommendation made by Sir Otto Niemeyer.

(d) No.

BAN ON MR. D. SARKAR OF BERLIN.

1114. ***Mr. Kuladhar Chaliha:** Will the Honourable the Home Member please state whether Government are prepared to lift the ban imposed on Mr. D. Sarkar of Berlin and permit him to visit India and go back also?

The Honourable Sir Henry Craik: With your permission, Sir, I propose to answer questions Nos. 1114 and 1115 together.

I would refer the Honourable Member to the reply given to his question No. 1025 on the 25th instant.

Mr. Kuladhar Chaliha: If there is no ban why was Mrs. Florence Mazumdar interned at Nowgong in 1923 or thereabout for many years when she came home?

The Honourable Sir Henry Crick: I am not aware of that.

BAN ON MR. AND MRS. S. MAZUMDAR OF NOWGONG.

1115. ***Mr. Kuladhar Chaliha:** (a) Will the Honourable the Home Member please state whether Government are prepared to allow Mr. Sisir Kumar Mazumdar of Nowgong (Assam) and his wife Mrs. Florence Mazumdar, now in Japan, to visit their home in Assam and go back?

(b) Will Government please state the charges against Mr. S. Muzumdar, if any, for which he is not permitted to return to India?

DECLARATION BY THE GOVERNOR GENERAL IN COUNCIL.

The Honourable Sir James Grigg (Finance Member): I lay on the table a declaration by the Governor General in Council that a Supplementary Demand in respect of the Central Board of Revenue, which has been refused by the Legislative Assembly, is essential to the discharge of his responsibilities.

DECLARATION BY THE GOVERNOR GENERAL IN COUNCIL REGARDING A SUPPLEMENTARY DEMAND REFUSED BY THE LEGISLATIVE ASSEMBLY.

In pursuance of sub-section (7) of section 67-A of the Government of India Act, as set out in the Ninth Schedule of the Government of India Act, 1935, the Governor General in Council is pleased to declare that the following Supplementary Demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities:

Demand No. 22—Central Board of Revenue—	Rs.
A.—Pay of Officers	34,800

J. C. NIXON,

Secretary to the Government of India.

REPORT ON THE PROGRESS OF THE SCHEMES FINANCED FROM THE GRANTS FOR RURAL DEVELOPMENT.

The Honourable Sir James Grigg (Finance Member): Sir, I lay on the table a copy of the Report on the progress of the Schemes financed from the grants for Rural Development.

† For answer to this question, see answer to question No. 1114.

Mr. President (The Honourable Sir Abdur Rahim): I understand that a sufficient number of copies of the Report have been supplied for distribution to Honourable Members and that they will be distributed in due course.

REPORT.

A statement of the progress up to the end of June 1936 of the schemes financed from the Government of India's grants for rural development was presented to the Legislature on the 15th of October 1936. The statement below shows the progress reported by the provinces generally up to the end of December 1937 except where otherwise stated. The first grant of Rs. 92½ lakhs was distributed in full to the Provinces and Local Administrations. Allotments from the second grant of 108 lakhs, which are to be made when the previous grants have been exhausted and to the extent that money is actually required, have so far been given to Madras, Bengal, Delhi and Coorg. The balance still to be allotted according to the distribution already sanctioned is Rs. 90,76,700 and this will be made available as the execution of the schemes, which are to extend over periods of from three to five years, proceeds and funds are needed.

MADRAS.

	Allotments from the Government of India grant.	Expenditure up to 31st Decem- ber 1937.
	Rs.	Rs.
(1) Village communications	4,47,540	4,20,677
(2) Rural water supply including protected water supply	5,26,810	3,40,588
(3) Rural sanitation including a Health Unit	3,00,000	1,87,282
(4) Discretionary grants by Collectors	48,650	47,157
(5) Anti-malarial operations	50,000	48,805
Establishment . . . . .	..	2,035
Total	13,73,000	10,46,544

2. A sum of about Rs. 2,43,375 as shown below has also been resumed from the grants sanctioned for the various schemes, for reallocation on a contributory basis:—

	Rs.
Village communications	12,314
Rural water supply	1,38,967
Rural sanitation	92,000
Discretionary grants	94
Total	2,43,375

3. The progress of the schemes during the period of 18 months from 1st July 1936 to 31st December 1937, is as follows:—

(1) *Village Communications*.—During the period under report, the district boards have spent Rs. 1,40,214 in the rural areas of this Province other than those within the jurisdiction of the non-union Panchayat Boards and the Inspector of Municipal Councils and Local Boards has

utilised a sum of Rs. 53,153 in the non-union Panchayat areas, thus bringing the total expenditure under this head from the commencement of the scheme to Rs. 4,20,677.

In all about 90 miles of earthwork formation, 40 miles of metalling, 180 miles of road construction and about 70 miles of improvements to existing cart tracts and roads were completed besides the construction of numerous culverts and some bridges. Almost all the works have been completed.

(2) (a) *Rural Water Supply*.—The district boards have spent on the improvement of rural water supply Rs. 2,63,771 in the rural areas other than those within the jurisdiction of non-union Panchayat Boards and the Inspector of Municipal Councils and Local Boards has expended Rs. 26,847 in the non-union Panchayat areas, thus making up a total expenditure of Rs. 3,40,588 including a sum of Rs. 22,252 spent on protected water supply schemes. About 600 wells have been completed and some more are in progress.

(b) *Protected water supply schemes*.—The schemes sanctioned and the grants allotted were:—

THE NILGIRIS DISTRICT.

	Rs.
1. Kadanadu water supply scheme	1,400
2. Thuneri water supply scheme	4,980
3. Kodamalai water supply scheme	3,750
4. Porthi water supply scheme	1,900
5. Devarshola Bazaar water supply scheme	1,800
6. Devani water supply scheme	2,460
7. Gudalur water supply scheme	4,625
8. Kotagiri water supply scheme	4,960

COIMBATORE DISTRICT.

9. Dhaliyur water supply scheme	4,930
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MADURA DISTRICT.

10. Avaniapuram water supply scheme	28,000
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KURNOOL DISTRICT.

11. Hosur water supply scheme	4,400
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	63,205

The Kadanadu, Kotagiri, Avaniapuram and the Hosur water supply schemes were not taken up and the grants sanctioned for them were resumed. All the remaining seven schemes have been completed. In all a sum of about Rs. 22,252 was spent on account of these schemes.

(3) (a) *Rural Sanitation*.—During the period under report 489 public and 1,481 private latrines were constructed and a sum of about Rs. 1,08,701 was spent. The scheme was closed with effect from 31st March 1937. In all, 1,562 public and 8,665 private latrines have been constructed and a sum of Rs. 1,67,527 has been spent. All the public latrines have been entrusted to the local boards for proper maintenance.

(b) *Poonamallee Health Unit Scheme*.—The activities of this experimental scheme of intensive health work for a period of a year and a half from 1st July 1936 to 31st December 1937, are summarised below:—

(i) *Vital Statistics*.—The Health Unit staff have registered 2,988 births and 1,752 deaths during the period under report. The cause of each death is thoroughly investigated and properly classified.

(ii) *Vaccination*.—The Health Inspectors themselves attend to vaccination work as a matter of routine, thus keeping down the number of unprotected children at as low a figure as possible. Three thousand one hundred and ninety-two primary, 57 secondary and 8,298 re-vaccinations were done during the period under report. The programme is to vaccinate and revaccinate the entire population of the area.

(iii) *Epidemic Diseases*.—There were 127 attacks of cholera with 61 deaths and 16 attacks of small-pox with 3 deaths. Very frequent chlorination of all sources of water supply, disinfection, isolation, wherever possible, and mass inoculation were adopted to combat cholera. As many as 8,314 anti-cholera inoculations were done during the period. Similarly intensive house to house vaccination and other measures of disinfection were adopted to prevent the occurrence of small-pox. The response from the people for revaccination was quite encouraging and there was a definite improvement in the attitude of the people towards measures adopted to control the spread of the epidemics.

There were a few cases of enteric and people were protected against the disease with T. A. B. vaccine.

(iv) *Maternity and Child-welfare*.—The most important branch of the work of the Health Unit is that of maternity and child-welfare. The staff of four Health Visitors and eight midwives originally sanctioned for this branch of work was increased by the addition of a Woman Medical Officer and an additional midwife to cope with the increasing work.

All the expectant mothers in the area of the Unit are registered by the Health Visitors and they are induced to come to the ante-natal clinics for proper medical examination and advice. About 2,700 expectant mothers attended the ante-natal clinics. The Health Visitors frequently visit their houses to see that they are in the best hygienic conditions possible, special attention being paid to their diet and nutrition. About 11,700 such visits were paid during the period under report. The midwives attend on them at the time of their confinement and visit them for ten days thereafter. Out of a total of 2,988 labour cases, the midwives attended to 1,091 labour cases. They also paid 14,622 post-natal and 23,627 ante-natal visits. Taking into account the number of labour cases conducted by the midwives attached to the local fund dispensaries in the area, the total number of labour cases which have received skilled medical aid is 2,045 and this is 68.44 per cent. of the total number of births registered during the period under report.

About 463 clinics were held and numerous minor ailments were treated. Numerous mother classes were also held. The maternity and child welfare activities of the Health Unit are quite popular with the villagers.

Special attention is paid to the feeding and the rearing up of the infants and children of pre-school age by visiting them at their homes and by encouraging them to come to the Child Welfare clinics. The infants and children are periodically examined by the Woman Medical Officer at the clinics and their progress is watched. Minor ailments are treated and the more serious ones are referred to the hospitals.

(v) *School Hygiene*.—The medical inspection of school children which began in March 1936, has been completed, the total number of pupils examined being 2,703. Nearly 48 per cent. of the pupils showed one or more defects of some kind. Information is given to parents pointing out

the nature of the defects with instructions as how to get them corrected either at the hospitals or with the aid of their own medical attendants. And the Health Unit staff tries to see that the defects are got rectified as far as possible.

(vi) *Health Education*.—The imparting of health education is an important feature of work performed by the Health Unit staff. A great deal of intensive propaganda has been carried on in the rural areas by means of lectures, with or without magic lanterns, on matters of health like domestic hygiene, small pox, cholera, plague, malaria, hookworm, tuberculosis and other similar subjects. Health education is also spread by means of talks to the women in their houses, at the clinics or in the mother classes and short talks to groups of villagers, demonstrations in schools, cinema shows and radio. There is a central health museum at the Health Unit Office and health exhibitions are organised at different centres. A health drama was enacted and a Health and Baby Week was celebrated. In connection with the Health Week celebration a Health Exhibition was arranged and it was opened by Lady Marjorie Erskine.

The result of all this is that the people have begun to demand facilities for the treatment of all the ailments pointed out to them.

(vii) *Hookworm*.—Hookworm infection seems to be fairly high in the area of the Unit and mass treatment was taken up. In all 4,013 persons were treated.

(viii) *Laboratory work*.—Samples of faeces were examined as part of hookworm investigation while those of urine were examined in connection with ante-natal work. In addition to these, samples of blood also were examined for widal and wasserman.

(ix) *General Sanitation*.—The people are advised to keep their houses and their surroundings clean. Attempts have been made to localise manure and rubbish in a part of the backyards of houses. Health committees have been formed to attend to this aspect of work. Ten public bore-hole latrines of four seats each and 160 private latrines were constructed. These latrines are well used. Concrete slabs for latrines were also sold to the public at a third of their cost. The principle of a latrine for each house is impressed upon the people. But as the idea of a latrine for every house in villages is practically new, it is bound to take some time before the people take to it willingly.

Inspection of dangerous and offensive trades, supervision of the conservancy staff and other general matters of public health also engaged the attention of the Health Unit staff. A malarial survey of the area has disclosed that malaria is not endemic in any of the villages.

(x) *House survey*.—A preliminary survey of the 8,017 houses in the area of the Unit was carried out to study the housing condition, to detect and tabulate the sanitary defects of the houses and their environment and to collect the health history of the individuals. The houses are being revisited to see how far the advice of the staff with regard to the improvement of remediable sanitary defects has been carried out. By personal advice and persuasion a number of houses were provided with windows and white washed, numerous fly and mosquito breeding places have been disposed of and soakage pits were dug for disposing waste water.

(xi) *Water supply*.—It has been decided to put in bore-hole wells with a view to provide protected water supply for the villages within the area of the Health Unit. A well boring set of the Industries Department has been placed at the disposal of the Health Unit for this purpose. A contribution of Rs. 5,250 has been collected to meet the expenditure on the scheme for the provision of protected water supply. And a few bore-hole wells have been constructed. The existing shallow open wells are chlorinated once a week.

(xii) *Expenditure*.—A sum of Rs. 10,805 was spent on the Unit from the Rural Development Grant from 1st July 1936 to 31st March 1937, thus making a total expenditure of Rs. 19,755 up to 31st March 1937. (The expenditure of Rs. 14,915 given in the report for the period ending 30th June 1936, included the amount met from the Rockefeller contribution also).

(xiii) *General*.—The working of the Health Unit was quite satisfactory except for an outbreak of cholera during the last quarter and for a few cases of small-pox. It continued to be a training ground for Medical Officers and students and it attracted some distinguished visitors.

The first period of co-operation with the Rockefeller Foundation to run the Unit ended with 31st March 1937. But in view of the usefulness of the scheme, the Foundation have agreed to extend the period of their co-operation for a further period of three years and a half. The scheme has therefore been extended up to 30th September 1940. It is hoped that before the sanctioned period of the scheme is over, the Unit would have produced and developed a sanitary conscience and habit in the minds of the inhabitants of the area to such an extent that further education should develop automatically.

(4) *Discretionary Grants by Collectors*.—In addition to the objects that have already been referred to, the Collectors have been permitted to spend the grant on all schemes of rural uplift. A sum of about Rs. 9,118 was spent during the period under report, making a total expenditure of Rs. 47,157 under this head.

(5) *Anti-malarial operations*.—The allotment of Rs. 50,000 under this head was sanctioned for expenditure on the following schemes:—

1. Construction of subsoil and open drainage at Chintapalli, Gudem taluk, Vizagapatam agency.
2. Construction of subsoil drainage at Gudalur in the Nilgiris district.
3. Anti-malarial operations in the Rameswaram Island, in the Ramnad District.
4. Anti-malarial operations in the coastal area from Ennore to Madras, Sriharikota Island and Gudur taluk, Nellore district.

The schemes proper have been completed. A sum of Rs. 17,965 was spent during the period under report, making a total expenditure of Rs. 48,805 under this head. The main features of the various schemes carried out are as follows:—

Vizagapatam Agency—Chintapalli.—Chintapalli in the Vizagapatam district is the only centre in the Agency tracts of this Presidency in which anti-malarial operations are being carried on. The village-site is located

at the top of a ridge shaped like a lemon squeezer, water courses being found in the gutters all round except on the south. These water courses breed malaria. The permanent measures of anti-malarial operations carried out in this area consist in the provision of rough stone subsoil drains and storm water drains with dams, retaining walls and pipe lines wherever necessary.

The Nilgiris District.—Gudalur in the Nilgiris district is the headquarters of the taluk of the same name and is situated at an altitude of about 4,000 feet, at the junction of the roads from Calicut and Mysore respectively to Ootacamund. The village proper is split up into three portions, the upper, the middle and the lower Gudalur. The former two are situated in the upper slopes of the hills and the lower Gudalur is situated in a wider flat at the foot of two diverging hills. Around these villages rock pools and large sized swamps are formed and they breed malarial mosquitoes. The incidence of malaria is at its highest here during the months of March to July each year. The permanent measures of malaria control in this area consist of the subsoil drainage of the swamps and the flushing of hill streams. Altogether 6,758 running feet of terracotta pipes each 2 feet long and 4 inches in diameter, 4,132 pipes of 6 inches diameter and 1,410 pipes of 8 inches diameter have been laid at a depth of 4 feet below ground level. Twenty-eight inspection chambers have been constructed along the pipe lines with cement concrete foundation and dry coursed rubble masonry for walls and reinforced concrete covering slabs.

Coastal areas.—Malaria in the coastal tracts in Rameswaram Island in the Ramnad district, the areas between Madras and Ennore, and in Gudur taluk and Sriharikota Island in the Nellore district is brought about more by man-made artificial breeding grounds rather than due to natural causes. The main breeding grounds in these areas consist of shallow pits containing water, which are used for watering the young plants of coconut in Rameswaram Island and casuarina in Chingleput and Nellore districts—for the first few years of their. Later on, the plants thrive on rainwater and the pits are left in disuse and covered with dead and decayed leaves and other vegetation which breed malarial mosquitoes in enormous numbers. There are also railway burrow pits in the coastal area north of Madras and in Pamban and Rameswaram Island, numerous temple tanks or "theerthams" and wells which are out of use or in partial use in Rameswaram Island and irrigation dhuruvus in Sriharikota Island which consist of shallow surface springs and are used for irrigation purposes which constitute additional breeding grounds for malarial mosquitoes.

The most important measures of anti-malarial operations in these areas consist of filling up of all the unwanted pits in the plantations within half a mile from each village, restricting their number to the barest minimum of about two pits per acre for watering fresh plants, stocking of pits which are left behind with *Gambusia* or *Haplochilus Panchax*, closing up of wells in disuse or in partial use with earth or sand or ferro-concrete slabs providing, if necessary, a pump in case they are needed for use, and stocking such of the wells as cannot be so dealt with, with larvicidal fish. In Nellore district, in addition to the above, the construction of reinforced concrete ringwells to supply drinking-water has been sanctioned so that the sandy pits with overhanging vegetation which served this purpose till now could be filled up.

It is hoped that as a result of these control measures, the incidence of malaria in these areas will decrease greatly and the general health of the rural population will improve appreciably.

4. The sum of Rs. 15 lakhs allotted in 1936-37 is being spent on the following four objects:—

- (i) improvement of rural water-supply including bore-hole wells;
- (ii) improvement of rural sanitation;
- (iii) improvement of village communications including the bridging of irrigation canals and channels at places where there are no roads; and
- (iv) encouragement and development of co-operative loan and sale societies by giving partial grants for the construction of godowns (with or without village halls *cum* reading rooms) and in specially deserving cases grants towards the cost of the staff required to run the societies for the first few years.

(2) The execution of the schemes falling under the first three categories are definitely dependent on the receipt of contributions from villagers of not less than a third of their cost, in cash, labour or in kind. In regard to the fourth category, only a fourth of the cost of the scheme is to be met from this grant and the remaining three-fourths are to be contributed by the societies concerned from their own resources; this Government have, however, decided to advance to the societies the amount to be met by them in the shape of loans from provincial funds at a cheap rate of interest, wherever necessary.

(3) The bulk of the grant, nearly 80 per cent. has been sanctioned to districts on a rural population basis as shown below for expenditure on the four objects specified in paragraph 1 above.

Name of district.						Amount.
						Rs.
1. Anantapur	.	.	.	.	.	29,000
2. North Arcot	.	.	.	.	.	61,000
3. South Arcot	.	.	.	.	.	70,000
4. Bellary	.	.	.	.	.	25,000
5. Chingleput	.	.	.	.	.	44,000
6. Chittoor	.	.	.	.	.	43,000
7. Coimbatore	.	.	.	.	.	69,000
8. Cuddapah	.	.	.	.	.	27,000
9. Godavari East	.	.	.	.	.	53,000
10. Godavari West	.	.	.	.	.	34,000
11. Guntur	.	.	.	.	.	56,000
12. Kistna	.	.	.	.	.	34,000
13. Kurnool	.	.	.	.	.	31,000
14. Madura	.	.	.	.	.	55,000
15. Malabar	.	.	.	.	.	1,03,000
16. Nellore	.	.	.	.	.	43,000
17. The Nigiris	.	.	.	.	.	4 000

Name of district.	Amount.
	Rs.
18. Ramnad	46,000
19. Salem	71,000
20. South Kanara	40,000
21. Tanjore	63,000
22. Tinnevely	48,000
23. Trichinopoly	52,000
24. Vizagapatam	99,000
Total	12,00,000

The remaining 20 per cent. of the grant or Rs. 3 lakhs is kept in reserve to supplement the share of the districts which come off badly under the distribution on the rural population basis and to meet the cost of special schemes like the Poonamallee Health Unit.

A sum of Rs. 2,43,375 out of the 1985-86 allotment has been resumed and added to this reserve of Rs. 3 lakhs.

(4) The Collectors of districts were spending the grant till recently in consultation with the District Economic Councils. These Councils were however abolished in November 1987. But the Collectors have been authorised to convene conferences of certain departmental heads and others including all members of the Provincial Legislature elected from the district at least once in three months for the purpose of consultation on all matters of general importance appertaining to the welfare and administration of the district. Since the abolition of the District Economic Councils, the Collectors have been spending the grants on the four categories referred to in para. 1 above on their own responsibility. They have been given full discretion in the matter of the selection and execution of works in respect of all schemes except those relating to the grants for the development of loan and sale co-operative societies which have to come up to the Government for sanction, as, generally speaking, these societies require loans from provincial funds up to 75 per cent. of the cost of construction of godowns. The District Officers have also been instructed to keep in view the special conditions and needs of the depressed classes while spending the grant.

(5) A special grant of Rs. 4,960 for the provision of protected water supply to the Kotagiri Panchayat in the Nilgiris District and another sum of Rs. 10,000 for the improvement of village communications in the same district have been sanctioned from the reserve.

(6) So far the construction of about 38 godowns for loan and sale co-operative societies in various districts have been approved. The construction of a godown at Rasipur in the Salem District was completed at a cost of Rs. 16,440, one-fourth of the cost being met from the Rural Development Grant. Some more godowns are under construction. A subsidy of Rs. 20 each per mensem for three co-operative societies in the Chittoor District has been sanctioned to meet a portion of the cost of establishment employed by them.

In all a sum of Rs. 61,400 has been spent up to 31st December 1937 on the four categories of schemes referred to above as also another sum of Rs. 8,960 on the Poonainallee Health Unit Scheme from 1st April 1937. The villagers' contribution towards the first three categories of schemes has amounted to Rs. 39,540. Many works relating to the improvement of rural water supply, rural sanitation and village communications have been completed and numerous others are in progress. The Collectors have been recently told that the allotment from the grant which they may decide to devote for the improvement of rural water supply, should be spent as far as practicable on schemes of protected water supply.

The Board of Revenue and the Commissioner of Labour are the inspecting authorities in respect of the works financed from the Rural Development Grant. They have inspected some works and some villages selected for intensive rural reconstruction work.

A perusal of the inspection notes indicates that striking improvements are noticeable in many aspects of village life in the several selected villages, the enthusiasm of the villagers being aroused to a high pitch. But a note of warning is also struck that this enthusiasm is likely to cool down and efforts should be made to keep it up by means of external impetus like fairs and shows and by a spirit of healthy competition among the villagers themselves.

The district officers have indicated a general need for the construction of village halls *cum* reading rooms, independent of godowns for co-operative societies, in the rural areas and the question of adding this as an object for the utilisation of the grant is under the consideration.

BOMBAY.

	Allotments from the Government of India grant.	Expenditure up to 30th November, 1937 (including amount met from the unallotted reserve).
	Rs.	Rs.
1. Agricultural schemes including Animal Husbandry	1,27,024	1,34,781
2. Industrial schemes	19,636	19,232
3. Public Health and Sanitation	37,065	51,572
4. Rural water supply	26,701	27,413
5. Village communications	20,980	37,370
6. Education	29,618	34,942
7. Propaganda in the Districts	42,646	29,773
8. Special Agricultural and Industrial schemes	94,900	28,732
9. Miscellaneous	32,029	17,791
Unallotted reserve	1,31,392	..
	<hr/> 5,62,000	<hr/> 3,81,605

2. *Agricultural Schemes including Animal Husbandry*.—The distribution of seeds of improved varieties of paddy, sugarcane, cotton, nachana, wheat, bajri and tobacco was carried out on an extensive scale in almost all the districts of the Province.

In almost all districts fruit culture has been organised in rural areas on a wider scale. A large number of fruit plants and seedlings, mango grafts and pine apple suckers were supplied to growers at concession rates. At Bijapur a fruit nursery is maintained with a view to providing facilities for the supply of varieties of vegetable seeds, seedlings and fruit plants at cheap rates. 697 grafts of Alphanso, Payri, Neelum and Totapuri mangoes were given out for planting to 24 cultivators in East Khandesh district and 480 grafts to 40 persons in West Khandesh on condition of their returning double the number. In Nasik district varieties of grafted mango plants, bor, oranges, sweet limes, mosambis, lemons and grape fruits were planted. In East Khandesh a *mali* has been appointed to help the cultivators in horticultural operations. Various kinds of fruit plants including banana suckers to the extent of 17,630 in all were supplied to cultivators in the Kaira district.

Schemes for giving free technical advice in erecting bunds on contour-lines, have been introduced in several districts. In Belgaum district 46 bunds with waste weirs costing about Rs. 20,000 have been erected by cultivators at their own cost under the supervision and guidance of a trained Bunding Sub-overseer maintained from the Government of India grant for the purpose. A Bunding Sub-overseer has been appointed in Poona district. In East Khandesh, bunds have been constructed over 380 acres and in West Khandesh district over about 672 acres.

In Bijapur, a provision of Rs. 10,000 has been made to finance schemes of cattle and sheep farming extending over a period of three years. In pursuance of these schemes a farm has been opened near Galgali in the Bilgi peta. Two hundred acres of grazing area and 117 of the best kuran lands have been granted by the local Government. Five cows have been purchased and the construction of sheds is in progress.

Eight Gir bulls and two Hissar rams have been purchased in the Belgaum district and are kept in villages for breeding purposes. In Kolaba Rs. 342 were expended on the purchase and maintenance of a breeding bull and a buffalo. Khillar cattle have been maintained for breeding purposes in Poona district. In order to improve the local breed 28 bulls have been purchased in other districts and steps are being taken to purchase more bulls for the purpose.

Improved types of implements are supplied to the villagers in all districts. In Belgaum, depots of improved agricultural implements have been opened at 6 central villages. The implements were much in demand. In Kolaba district an oil engine and a pump on the bank of the Patalganga River, and two Bulsad rahats—one at Vargal and other at Neral have been set up with the object of using the river water for purpose of irrigation. Four Bulsad rahats have also been purchased for use on the Kundlike River. About 10 acres of land have so far been brought under irrigated crops. The villagers of Marianchiwadi in Koregnon taluka of the Satara district undertook the construction of a

dam with the assistance of a grant of Rs. 400. Its construction has proved beneficial for irrigation.

In Dharwar district a campaign for the protection of crops from deer was organised. Fourteen deer were killed and an area of 9,300 acres protected. In order to stop wild pig and nilgai damaging crops in fields bordering the hills in the Jamner and Bhusawal talukas 3 Gun clubs in addition to one already existing were started. These clubs have killed 306 pig and 42 nilgai.

3. Industrial Schemes.—

(i) *Poultry farming*.—In the Belgaum district, 101 birds of the Leghorn and Rhode Island red breeds were distributed at half price.

The model poultry farm of Whiteleghorn and Rhode Island breeds at Bijapur is making progress and is now in a position to meet the increasing demand for birds all over the district. It has become a centre of attraction to many poultry keepers in the district.

In the Kolaba district, a fully equipped poultry farm has been established at the Government Farm at Karjat, where birds and eggs are sold to cultivators at concessional rates with a view to popularising poultry breeding all over the district.

Poultry farms are being encouraged in Nasik, Satara, Poona and East Khandesh districts by giving grants. In Sholapur district a poultry farm has been maintained with the object of demonstrating scientific poultry breeding. From this farm pure bred cocks and hatching eggs are supplied to cultivators. Another poultry farm is shortly to be opened on the lines suggested by the Live Stock Expert and so far Rs. 1,800 have been spent on its buildings, etc., Rs. 7,636 have been earmarked for maintaining these farms. A poultry farm has been established at Nasik.

Improved blanket weaving has been demonstrated in several districts.

A weaving instructor and a warper have been appointed and three sets of handlooms with sizing and warping machines of Ichalkaranji type purchased at a cost of Rs. 890 in the Ratnagiri district. The instructor has so far completed his work at three centres out of the nine selected for the purpose. The total cost so far incurred on this scheme is Rs. 1,385.

A wool weaving demonstration was held at two villages in the Sinnar Taluka of Nasik district for two years, and it is now being shifted to a third village in the same taluka. Rs. 500 have been set apart in Nasik district for giving instruction in smithy, carpentry, etc.

In Satara, Poona and Ahmednagar districts grants were given for demonstration in tanning.

Rs. 100 have been allotted by the Satara District Village Improvement Committee for experiments in jam and jelly making.

4. *Public Health and Sanitation.*—In the Belgaum district, eight earth augers have been bought and some 600 borehole latrines have so far been constructed in the district. A pneumatic tyred cart equipped with maternity instruments and medicines has been placed at the disposal of Mrs. Henderson of the Sankeshwar Mission. Mrs. Henderson has so far visited 23 villages and treated 5 maternity cases and 1,366 other cases. Rs. 400 were expended in this connection. In Dharwar district, two women are being trained at the Civil Hospital in midwifery with a scholarship of Rs. 15 per month each, tenable for 12 months.

In the Kanara district, 20 women have been trained as village dais.

In the Ratnagiri district, Rs. 250 has been spent on (1) stipends to dais (2) pay of the instructor and (3) equipment boxes, for training 12 dais.

In the Kolaba district, five trained midwives were employed at important centres at a cost of Rs. 461. A few women have been trained as village dais in the Uran Mahal and the Panvel taluka.

In the Athni taluka of the Belgaum district, Chlorogen worth Rs. 25 was used for prevention of guinea worm. Three huts were built at Sankeshwar (Belgaum) at a cost of Rs. 486 for lepers.

In the Dharwar district, Rs. 418 were expended on the replenishment of the medicine chests supplied for the use of the villagers.

In the Kolaba district, a medical officer was appointed at Chowk to give free treatment to the poor in the surrounding villages. A sum of Rs. 4,150 has been provided for an anti-guinea worm campaign in the Alibag taluka.

The scheme of training dais is being continued in Nasik district. During the period under review 5 women received such training. In Ahmednagar district dais are trained at the local Seva Sadan Society and the Civil Hospital for 3 months at a cost of Rs. 75 each. So far 15 dais have been trained. In Nasik district a scheme for training school teachers in elementary medical knowledge at the Civil Hospital for 2 months has been introduced and on completion of their training each teacher is given a medicine chest. Eight school masters and one Circle Inspector were trained during the period under review.

Medical dispensaries have been opened at Fattepur and Mhaswad in East Khandesh district as no medical help was available within a radius of 12 to 16 miles. The average daily attendance at these dispensaries is 98 and 69 respectively. 189 table dispensaries have been opened in Kaira, and Broach and Panch Mahals districts. These table dispensaries have proved useful.

5. *Rural water supply.*—In several districts step wells have been converted into draw-wells. A good deal of attention was also paid to damming streams in order to improve the sub-soil water level.

Rs. 2,120 were spent on four wells in Mahar localities in the Ratnagiri district, where the dearth of water was keenly felt.

A nursery tank has been built at a cost of Rs. 189 for breeding *Gambusia* fish in the Karnatak College at Dharwar. This fish is being introduced in wells and tanks in villages as they are reported to eradicate guinea worm and malaria larvae.

6. *Village Communications*.—In Belgaum district, five village improvement committees were in all given a subsidy of Rs. 475 for the construction of village roads. Similarly, in Dharwar Rs. 565 were given for the construction of roads in two villages. In the Kolaba district, the construction of several approach roads was subsidised at a cost of Rs. 520. In Ratnagiri district, a subsidy of Rs. 1,220 was given for the construction of five miles and three furlongs of the Chafe Jaigad road (12 miles in length). The construction of another road in the same district, *vis.*, Dervan Durgavadi road (4 miles) was assisted with a grant of Rs. 500.

Two bridges and two culverts were constructed and repairs were carried out to 4 village roads in the Kanara district at a total cost of Rs. 569.

Considerable progress has been made in the construction and repairs of village roads in Nasik district. These works provided employment when owing to the scarcity of rainfall it seemed likely that there might be a famine.

In Poona district a grant was given for the construction of the Baldeo Ghat Road.

The District Village Improvement Committee, Ahmednagar, gave a subsidy of Rs. 1,150 to villages which did good and voluntary work in preparing roads and gutters.

In East Khandesh district gutters were constructed to the extent of 2,800 and 3,000 feet in two villages and 7 roads are under construction at the expense of the villagers aided by the Government of India grant.

In Satara district 2 roads have been repaired. Roads leading to surrounding villages and approach roads have also been constructed in many districts.

7. *Education*.—The expenditure under this head was by way of grants-in-aid to night schools, village libraries, supply of books and to encourage villagers to erect new school buildings.

8. *Propaganda*.—In the Kolaba district, a magic lantern "Adult Educator" with sets of slides on different subjects has been purchased at a cost of Rs. 846 for propaganda work. In the Belgaum district, sets of magic lantern slides on various subjects were supplied to the Propaganda Officer of the District Co-operative Institute, Belgaum. In the Dharwar district, lantern slides have been prepared at a cost of Rs. 100 from the photos of important and educative works in progress in the villages.

A gramophone was purchased in Belgaum district at a cost of Rs. 308 for propaganda purposes. The village uplift vans are equipped with magic

lantern, gramophone, radio, cinema films, improved agricultural implements, etc. They evolve considerable interest.

A training class for village uplift workers was held at Broach and 86 persons including village officers and school teachers attended it.

9. *Special Agricultural and Industrial Schemes*.—These schemes included (a) Village tanning, (b) Inland fisheries, (c) Improvement of buffalo milk supply (d) Poultry in villages, (e) Co-operative egg collections grading and marketing. The schemes mentioned at (a), (b), (c) and (e) having been held to fall outside the scope prescribed by the Government of India have been absorbed into the ordinary activities of the Industries and Agricultural Departments.

A scheme for the improvement of village poultry by replacing country cocks by pure bred male stock was proposed by the Livestock Expert to Government and is being financed from the Government of India grants and departmentally. Already 710 cocks of White Leghorn, Rhode Island Red and Australorp breeds have been given out to villages and the organization of poultry improvement on a district basis is making good progress. In addition, premia were given to approved poultry farmers who are co-operating with the Livestock Expert in poultry improvement.

BENGAL.

	Allotments from the Government of India grant. Rs.	Expenditure up to 31st October, 1937. Rs.
(1) Establishment of seed, paddy and crop demonstration centres	1,09,000	1,08,700
(2) Improvement of cattle and fodder crops	2,35,500	1,81,500
(3) Improvement of poultry	500	400
(4) Propaganda work in the districts	20,000	19,400
(5) Wireless transmission in Midnapore	17,000	13,500
(6) Establishment of an Agricultural Institute at Daulatpur	50,000	..
(7) Establishment of coir spinning and weaving demonstration parties	40,700	26,200
(8) Establishment of Union Board Dispensaries and improvement of water supply	5,99,100	3,78,000
(9) Grant to Sriniketan	11,000	
(10) (a) Attachment of agricultural farms, etc., to Secondary Schools	1,80,000	2,29,800
(b) Provision of play grounds and village halls and	53,000	
(c) Playing fields and recreation grounds for villages and village schools	71,700	
(11) Grants-in-aid to Boy Scouts, Girl Guides and Bratachari Movement	20,000	20,000
(12) Minor drainage and flushing schemes	3,03,000	2,38,500
(13) Improvement in the Chittagong Hill Tracts	30,000	26,300
(14) Discretionary grants to Commissioners and District Officers	2,05,800	1,95,700
(15) Improvement of existing village communications including, where desirable, existing water ways	72,100	4,300
(16) Improvement of rural sanitation	12,300	100
Unallotted reserve	25,900	..
	<hr/> 20,56,600	<hr/> 14,46,000

2. *Scheme for the establishment of seed, paddy and crop demonstration centres.*—Approximately 450 centres have been established in various parts of the province. Cultivation of different crops in the various centres was attended with success except in a few farms where the crops were damaged by flood.

3. *Improvement of cattle and fodder crops.*—The total number of stud bulls distributed in about a dozen selected districts was about 1,000. Over 14,000 scrub bulls have been castrated and about 35 lakhs of Napier grass cuttings were issued. Out of the allotment of Rs. 60,500 from the second grant, a sum of Rs. 16,200 has been spent.

4. *Improvement of poultry.*—A good number of cockerels, eggs and breeding fowls have been issued to villagers, with instructions as to the proper methods of poultry keeping.

5. *Propaganda work in the districts.*—Loudspeakers and gramophones were purchased and despatched to the District Officers. Some special gramophone records were prepared and distributed.

6. *Wireless transmission in Midnapore.*—The actual expenditure incurred by All-India Radio, who have been entrusted with the installation and the maintenance of the sets, is Rs. 13,500.

7. *Establishment of an Agricultural Institute at Daulatpur.*—The expenditure involved on this account is being met at present from the Provincial revenues. The current year's grant of Rs. 1,50,000 for this purpose in the Provincial Civil Works budget has not yet been spent in full. The Government of India's grant of Rs. 50,000, has, however, been placed at the disposal of the Chief Engineer for allotment on work when necessary.

8. *Establishment of coir spinning and weaving demonstration parties.*—Spinning and weaving demonstration parties were formed and located in selected districts. A number of the students who have completed their course of training have taken to the vocation of coir spinning for their livelihood. The propaganda work carried on to popularise the industry has attracted considerable attention and the activities of the Agriculture and Industries Department have been emulated by many institutions which have since established classes for teaching coir weaving or helping the industry in other ways. Out of the unspent balance of Rs. 14,500 a sum of Rs. 7,500 is expected to be utilised during the current financial year and the rest next year.

9. *Establishment of Union Board Dispensaries and improvement of water supply.*—The progress of execution of schemes is as follows:—

	Number of projects sanctioned.	Number of projects carried out.
(i) Union Board Dispensaries	115	102
(ii) Water supply—		
Tube wells	904	875
Masonry wells	96	92
Ring wells	328	320
Tanks	28	23
Wells in the Terai and improvement of certain existing sources of water supply in Darjeeling District	Fully carried out.	

The unspent balance mostly represents allotment for water supply sanctioned out of the second grant (Rs. 2,15,100, out of which a sum of Rs. 15,500 has been spent).

10. *Grant to Sriniketan*.—All the five village health societies contemplated in the scheme, have been started and are working satisfactorily. The societies will become self-supporting from the 8rd year. The grant will not be spent in full before the next year.

11. (a) *Attachment of Agricultural farms, etc., to Secondary Schools* and (b) *Provision of play grounds and village halls*.—The original sanctioned allotment was Rs. 1,80,000 under the Director, Public Instruction. It was supplemented by a further allotment of Rs. 58,000 under the Home Department. Against this total allotment of Rs. 2,38,000, the actual expenditure is Rs. 2,29,800. The scheme has thus been almost completed.

(c) *Playing fields and recreation grounds for villages and village schools*.—The allotment of Rs. 71,700 for this scheme was made in September 1937 from the second grant and a sum of Rs. 8,600 has been spent up to the 31st of October 1937.

12. *Grants-in-aid to Boy Scouts, Girl Guides and Bratachari Movement*.—The whole of the sanctioned allotment was spent in 1935-36.

13. *Minor drainage and flushing schemes*.—It was decided that these schemes should be executed by District Boards under the supervision of the Engineer Officers of Government after the schemes are selected and approved both by Government and the District Boards concerned. It was also decided that one-third of the estimated cost as well as the future maintenance charges of each individual scheme should be borne by the District Boards concerned and the remaining two-thirds would be met out of the Government of India grant. On this principle, 30 schemes in 15 districts were selected and approved out of which 7 have been completed, 16 are nearing completion, and the remaining 7 have not yet been taken up.

14. *Improvement in the Chittagong Hill Tracts*.—An expenditure of Rs. 23,500 was incurred up to the end of March 1937 as detailed below:—

	Sanctioned allotment.	Expenditure.
	Rs.	Rs.
Rural water supply	17,000	13,500
Clearing rivers of snags	500	200
Construction of small bridges and communications	3,500	2,260
Drainage of dhebas	2,000	1,640
Exhibition	800	500
Small schemes of Agricultural and Industrial development	1,200	400
Rangamati water supply scheme	5,000	5,000
	<hr/> 30,000	<hr/> 23,500

A further sum of Rs. 2,800 has been spent during the period from 1st April to 31st of October 1937.

15. *Discretionary grant to Commissioners and District Officers.*—The actual expenditure incurred on the schemes given in the report for the period ending the 30th of June 1936, amounts to Rs. 1,95,700 and the balance is expected to be spent during the current financial year.

16. *Improvement of existing village communications, including, where desirable, existing water-ways.*—A sum of Rs. 72,100 was allotted in September 1937 from the second grant, out of which expenditure amounting to Rs. 4,300 has been incurred up to 31st of October 1937.

17. *Improvement of rural sanitation.*—As the allotment of Rs. 12,300 from the second grant was made only in September 1937, an expenditure of only Rs. 100 was incurred to the end of October 1937.

18. *Unallotted reserve.*—The details are:—

	Rs.
Out of 1st grant	1,000
Out of 2nd grant—Cattle improvement	18,200
Out of 2nd grant—Other schemes	5,760
	<hr/>
	25,900

UNITED PROVINCES.

	Allotments from the Government of India's grant.	Expenditure up to 31st December 1937.
	Rs.	Rs.
1. Main Scheme	7,00,000	4,13,716
2. Agricultural Schemes	3,28,000	2,10,888
3. Public Health Schemes	3,16,000	1,82,141
4. Industrial Schemes	70,000	17,873
5. Publicity Schemes	36,000	16,000
6. Kumaun Schemes	50,000	50,000
Total	<hr/> 15,00,000	<hr/> 8,90,418

2. *Main Scheme.*—This scheme has now been in operation for 21 months at some centres and only 15 months at others. The reports received from the various districts show that on the whole steady progress is being maintained, with successful and encouraging results. There are signs that some villagers have begun to have their own ideas about rural development and in some cases applications for the extension of the scheme have been received from neighbouring villages. It cannot however be denied that the movement still depends largely on official impetus; but is being generally realised that success is to be judged not so much by the work done under official inspiration as by that done by the villagers themselves by their own voluntary activities and efforts are being made to attain this goal. Sustained and continuous work is necessary for this purpose and quick results cannot be expected. Useful work is being done in this direction by district rural development associations; the amount of interest taken by them varies according to prevailing conditions in the district. In some districts small executive committees have been

formed consisting of energetic non-officials and officials to control and regulate the day to day work. On the whole there appears to be scope for greater activity on the part of these associations.

(1) The task of organising the villagers has been going on with varying success. In some places the Panchayats have been found to be apathetic; in others they have not succeeded because of local factions. But on the whole they seem to be doing useful work; in many cases they showed a commendable grasp of their duties and some of them have created a real awakening among the villagers in respect of self help and appreciation of work undertaken for their welfare. It is generally realised that no permanent improvement can be achieved without village organisation whether in the form of Panchayats or of better living societies and every effort is being made to create and strengthen the same. This work has naturally to be undertaken by the staff of organisers and inspectors. The quality of this staff varies considerably, but there are many complaints that they are not of the right kind and do not command adequate influence owing to their youth, inexperience or lack of knowledge of rural conditions and village mentality. The difficulty appears to be to find educated young men who can command the confidence of villagers or village men who have the education to expound and explain the work. Many of the organisers may have to be replaced but the general impression is that the quality of their work has improved; the holding of a number of refresher classes has helped in this direction. The work of this staff is under the general supervision of an officer of the district staff who is designated the Rural Development Officer and does this work in addition to his other duties. Unfortunately on account of the exigencies of the administrative service, there have had to be frequent transfers and these have been found in many cases to be detrimental to the work of rural development. It is necessary for these officers to stay long enough in a district to know the villages well, inspire enthusiasm and gain the confidence of the villagers.

(2) As regards the various items of development it is but natural that different features of the work should be emphasised in the different districts. The general opinion is that the best way of attracting the villager's real interest is to put money into his pocket. Accordingly agriculture is regarded as the main field of activity in most places. The chief directions in which work has been done are in connection with the use of improved seed, the demonstration of better agricultural practices and the preservation and use of manure. In some cases new fodder and grass crops have been sown while elsewhere vegetable gardening was tried but without much success. Fruit trees were planted in a number of villages, and are doing well in some places but have withered and died in others. The question of the remodelling and consolidation of holdings has received considerable attention in 2 or 3 districts in the west of the province. A large number of improved bulls have been supplied but no satisfactory type of animal seems to be available for the east of the province. Bulls of the Ponwar and Kherigarh breed are usually sent, when improved bulls are asked for, but there are many complaints about their quality, their young age and their temper. A few villages have taken up poultry keeping; progress is reported from the west of the province but there are complaints about tick in the east. Attempts have been made to start

or encourage cottage industries in some villages. Training has been imparted in the manufacture of newar, ropes, tats, chicks, mundhas, baskets, cane chairs, fans, asans, towels, durries, soaps, etc. But no great success appears to have attended these efforts, chiefly owing to lack of proper marketing facilities; in short the attempts made have been "more pathetic than successful".

(3) Considerable progress is reported in connection with sanitary improvements in rural development villages. The main activities are the removal of rubbish heaps, the construction of manure pits and soakage pits, the filling up of pits in the inhabited area, the cleaning of wells and the erection of parapets for them, the removal of projecting platforms, the improvement of village lanes and the supply of ventilators for houses. In one district special attention has been paid to the improvement of village sites, and the building of better houses. It is reported that many of these villages have now a distinctive cleaner and tidier appearance and that improvements are becoming popular and are generally adopted. In some districts a general Cleaning Day was observed and met with much success. The training of dais has not made much progress but medicine chests continue to be popular and are much appreciated.

(4) Cultural activities are also making progress. Adult schools or clubs have opened in a number of villages, circulating libraries established, newspapers and journals obtained and read and village halls have been constructed in a few places by corporate effort; physical culture clubs and wrestling areas have been established and singing parties and dramas organised. Numerous rural exhibitions have also been held.

(5) The discretionary grants placed at the disposal of District Officers have been utilised for varying objects in the selected villages. The money has in almost all cases been given out on a contributory basis.

(6) It may appear at first that the work has been somewhat diffused; but it must be explained that all these activities are not taken up in all villages; each village selects its own line of work best suited to its own immediate needs; the goal of all however, is the same, which is to make the villager improvement-minded and to enable him to better his own condition physically, mentally and economically. A special shield (the Haig Shield) is now awarded to the best village in each division in order to stimulate the villagers to emulate each other. But more help is needed by the movement both from landlords and from others interested in village welfare work; and steps have still to be taken to secure greater coordination of work in these villages by the different development departments of Government. In one district the panchayats of one locality were helped to visit other centres of activity and came back with fresh ideas and inspiration and the feasibility of extending this system for both the organisers and the panchayats is being looked into. It also appears to be advisable for each village to study its needs and draw up its future programme of work. Broadly speaking it may be said that the practical results so far achieved are encouraging but sustained and continuous efforts by all interested in the subject are necessary to enable the objects aimed at to be fully achieved.

8. *Agricultural Schemes—(1) Well-boring:—*

	Rs.
Allotment from the Government of India grant	1,38,000
Total expenditure to the end of June 1937	79,162

It was originally proposed to improve 2,250 wells. During the period under report 975 wells were bored, so that the total number of wells completed so far is 2,149. Of these 1,960 proved successful. The percentage of success works out at 91.2 per cent. which is satisfactory.

(2) *Embankments and reservoirs:—*

	Rs.
Allotments from the Government of India grant . . .	79,000
Total expenditure to the end of June 1937 . . .	37,435

Forty-eight projects were completed and thirteen are under construction. Ninety surveys have been completed and 31 are in hand. Bundhi making does not appear to have made as much headway in Bundelkhand as had been hoped. The tractor which had been purchased for bundhi making remained busy with Kans eradication work.

(3) *Fruit Culture Scheme:—*

	Rs.
Allotment from the Government of India grant . . .	20,000
Total expenditure to the end of June 1937 . . .	15,400

The services of the malis were dispensed with but the villages to which plants had been promised were supplied with the same. The orchards which have been planted previously were looked after by the local people but it is reported from Agra that many casualties occurred during the hot weather; the majority of plants that suffered were those of papitas.

(4) *Seed Supply:—*

	Rs.
Allotments from the Government of India grant . . .	50,000
Total expenditure to the end of June 1937 . . .	34,678

The total quantity of seed exchanged so far is about 12,798 maunds. In addition approximately 16,153 maunds of seed were issued on taqavi at concession rates. The seeds exchanged or issued on taqavi were mostly wheat, gram and barley.

(5) *Seed Stores:—*

	Rs.
Allotments from the Government of India grant . . .	30,000
Total expenditure to the end of June 1937 . . .	18,400

For the construction of seed stores grants were given to Co-operative Societies and selected individuals on condition that they found two-thirds of the cost themselves. From these pure seed has been supplied to a number of societies and individuals.

(6) *Poultry and Goats:—*

	Rs.
Allotment from the Government of India grant . . .	11,000
Total expenditure to the end of June 1937 . . .	11,000

Approximately 302 village goats were served by the bucks maintained at the farms. There were 2 shows at which 522 goats were exhibited by 286 exhibitors from 77 villages. One thousand four hundred and forty-six eggs of Rhode Island Reds and White Leghorns were sold for hatching from the two poultry farms. At the Jalesar poultry show there were 281 exhibits and 78 exhibitors from 25 villages. Special prizes were awarded and

the best fowls were purchased by the Etah Poultry Farm. Instructions about the correct methods of breeding, housing, feeding, prevention and treatment of diseases of goats and poultry were given during the shows.

(7) An expenditure of Rs. 14,813 has been incurred since 30th of June 1937 in connection with certain agricultural schemes on account of previous commitments.

4. *Public Health Schemes*.—360 lbs. of quinine tablets were supplied for free distribution to malaria sufferers in the rural development villages of 36 malarious districts of the province. Village medicine chests continue to be popular and beneficial in providing medical relief for minor ailments in rural areas. Payment for the medicine chests replenished towards the end of 1936 was made early in 1937. The Health Units were discontinued in November 1936 but some payments on this account had to be made during the period under review.

5. *Industrial Schemes*.—The scheme for the organization of ghee sale societies was continued as the work could not be stopped in the middle. There were 80 societies on June 30, 1936; 72 more societies were organised in 1936-37 and appear to have started work satisfactorily.

6. *Publicity and Propaganda schemes*.—In 1935 Rs. 36,000 was allotted for this purpose for the two years 1935-36 and 1936-37. Out of this Rs. 16,000 were spent by 31st March 1937 and Rs. 20,000 were resumed. Publicity and propaganda work was continued as before and comprised:

- (i) the supply of information and reports to newspapers;
- (ii) the issue of press notes based on district reports and of their vernacular translations;
- (iii) the publication of reports relating to exhibitions and fairs or to special work done at any Rural Development centre;
- (iv) the publication of speeches relating to Rural Development by His Excellency the Governor or the Hon'ble Minister in charge of Rural Development or other important personages;
- (v) the preparation and dissemination of leaflets and pamphlets e.g., "Better Life in the Village", "Gram Sudhar", "Gram Sangit" and "Gram Sudhar Bhajan Pachisi";
- (vi) the supply to the Rural Development centres of copies of vernacular educative journals (e.g., "Dehat", "Kisan Upkarak" and "Mufid-ul-mazarin") and copies of suitable newspapers to the villages under the Main Scheme;
- (vii) tours by the five publicity vans;
- (viii) the utilization of the U. P. Review for publicity to articles and practical hints on Rural Development and to fortnightly reports on the work done in the districts;
- (ix) assistance to the 20 local military committees and the publication of press notes relating to Rural Development work done in the area under the jurisdiction of the Eastern Command;
- (x) publicity to the work done by the Dehra Dun Broadcasting Association.

7. *Kumaun Schemes*.—In the *Naini Tal District*, Rs. 600 were spent on the construction and repair of 14 Dharas and Naulas which are the source of supply of drinking water. A sum of Rs. 600 was also spent on the raising of the road level in certain villages and repairs to wells of the depressed classes; the villagers provided free labour as their share towards the cost. Efforts were directed towards making one village into a model village so that other villages may follow suit.

The construction of an experimental tube well had to be given up as the firm could not bore to the required depth. Fifteen more diggiss (water tanks) costing Rs. 6,774 were completed; Rs. 2,603 spent on anti-malarial drains and a small sum on organising societies. Rural Development Councils were formed in some places which have proved very useful for propaganda; they also give the tenants an opportunity of representing their grievances.

In *Almora* a sum of Rs. 600 was spent on the improvement of naulas and dharas. Barbed wire fencing has been provided for six communal forests and two more forests will be fenced shortly. In the Panchayat Forest nursery 1,150 seedlings are ready for transplantation in the Panchayat forests.

In *Garhwal* the stud bulls purchased from the grant have been moved further up into the district and an attempt has been made to distribute them more evenly among the various tahsils. The Assistant Forest Panchayat Officer delivered a number of lectures and held a series of meetings in which he has indicated the various methods by which village may be improved. A feature of the movement for improved villages which is most encouraging is the great progress made in sanitation in those villages which lie near the pilgrim route. A Maternity and Child Welfare Centre has been started at Kotdwara with the aid of small grant from rural development funds. Arrangements are in progress for the holding of three fruit shows.

8. The various departmental schemes have been discontinued since the 31st of March 1937. These schemes have now been replaced, in accordance with the principles laid down by the Government of India, by three schemes for which Rs. 11½ lakhs have been allotted for expenditure during a period of five years. These schemes provide for:

- (a) the development of rural communications such as the construction of culverts and feeder roads, the paving of lanes in villages, etc.,
- (b) the improvement of water supply, including provision for drinking water, well boring, the construction of embankments and reservoirs, etc., and
- (c) the supply of improved seed, in exchange for the local inferior varieties.

The distribution of the allotment to the districts has been made on the basis of their rural population. Instructions in connection with these schemes were only issued in August last and no figures are available at present showing the expenditure incurred in connection with these schemes so far.

9. The Provincial Government have introduced a new scheme, financed from provincial revenues, for carrying on work on the lines of the "Main Scheme" on a big scale, which is explained below:—

The new scheme of Rural Development.

In order to tackle the vast problem of rural development the Provincial Government have decided to take up the work on a big scale in the nature of a vigorous drive. They have set apart a sum of 10 lakhs for the work during the current financial year and it is intended to increase the provision for this scheme in the next year and make it recurring. The activities proposed under this scheme will be expanded as more funds become available.

(2) The object of the scheme is to create a desire in the villagers for improvement, to inculcate in them an eager desire to better their lot and to organise the whole country-side for rural improvement in five years. The aim is to change the villagers' whole outlook on life, to convince them that it is possible for them to improve their condition by their own co-operative efforts. The work done will be in the nature of welfare work aimed at bringing about environmental change for the better in the country-side. The scheme aims at the greatest co-operation of the non-officials and even their initiative. It is considered that there is enough of human energy lying idle and to spare in the province which it is proposed to mobilize and that unless all forces both official and non-official are harnessed to the good cause the development of the rural area will take an inordinately long period. In order that the work of rural development may be carried on effectively the following machinery and organisation has been set up.

(3) At the centre there is for the present an honorary Rural Development Officer assisted by a paid Assistant Rural Development Officer. The Rural Development Officer is to control the new rural development staff, give them general direction and guidance and secure the co-ordination of the heads and staff of the various Government departments concerned. A provincial Rural Development Board consisting of 31 members has been formed; about two-thirds of the members are non-officials. The Hon'ble Minister incharge of the Department is its Chairman and the Rural Development Officer is its Secretary. The heads of all the development departments are members. Among non-officials are some members from both houses of the Legislature, one member from each division of the province and a few from among prominent public men engaged in the work of rural development.

(4) District Rural Development Boards have also been formed, the chairman and two-thirds of the members being non-officials. The district officer is the *ex-officio* visitor of the district rural development board with power to inspect, to report and to call for information and papers and to nominate two senior sub-divisional officers to serve as members of the Board. The District Inspector appointed under the main scheme financed from the Government of India's grant is the Secretary of the Board. The Boards consist of all the heads of local development departments, chairmen of the district board and the education committee of the board as also its engineer, all the Members of the Provincial Legislative Council and Assembly representing the rural areas and some non-officials nominated by the Government.

(5) In order that there may be a connecting link between the centre and the districts ten divisional superintendents one for each division have been appointed. Their function is to guide and supervise the work of the district inspectors and help them in their work.

(6) The work in the district has been placed in charge of the existing district inspectors.

(7) In every district a certain number of new organisers who are persons imbued with a spirit of missionary service and zeal for the work have been appointed on a pay of Rs. 20 per mensem with Rs. 5 per mensem as consolidated travelling allowance. About 800 such new organizers have been appointed. These organizers have been duly trained according to the scheme of training. These organizers will try to infuse a spirit of self help in the villagers, to broaden their outlook and introduce the necessary improvements in agriculture, sanitation, industries, etc. They would promote the formation of group associations for particular areas. Each organiser has been entrusted with the work of organising a particular area; to start with, a circle of 8 to 10 villages, according to population, has been allotted to them. After they have won the confidence of the people and secured their co-operation they will establish panchayats in each big village or group of villages to carry on the work of development. The Panchayat will have a *Panchayat ghar* which will serve as the centre of communal life, with a *dawakhana* or medicine chest, a library and reading room attached to it. The organizers are expected to make these centres of six to ten villages self-reliant in the course of six months by either finding out the requisite competent honorary worker or workers or training them to do the work, or if no honorary worker is available, by persuading the *panchayat* to have a paid worker of their own out of their own funds. As these *panchayats* grow in number they will be organized into rural development unions. It is expected that these panchayats and unions will actively promote all activities tending to improve the condition of their villages in all directions, such as better sanitation, adult and girls' education and development of village industries including handspinning and weaving.

(8) It is the earnest wish of the provincial Government that societies for rural development may be formed in every district and if possible in every tahsil. It is further contemplated that substantial annual grants will be given to such bodies for various purposes connected with rural development, such as the improvement of communications, water-supply, cottage industries, seed stores, demonstration farms, breeding of cattle, distribution of medicines, small libraries, adult education, physical culture and other similar objects.

(9) The new scheme has just started with the aim of creating a new era for the countryside and to ameliorate the lot of the rural population. The appalling poverty has to be removed from the 105 thousand villages in the United Provinces, dull and monotonous drudgery and despair by a little hope, relaxation and good cheer. The work involved is a gigantic one, but it is hoped that with the full co-operation and initiative of the non-officials much improvement will be effected in the rural areas.

(10) The two schemes are for the present working side by side, but the new and bigger scheme has naturally over-shadowed the earlier one and

affected it in some directions. In particular; in order to secure the co-operation of the public a large element of non-official agency has been introduced. The Provincial Rural Development Officer is for the present a non-official honorary worker; he is in direct control of the staff through ten divisional superintendents so that the inspectors in the districts are no longer under the control of the district officer. These inspectors work as secretaries on the new district development associations which have been formed with non-official chairmen to guide and direct the work in the districts. In view of these changes, the association of district officers with the scheme is not as close as it was, except in the matter of the sanctioning grants, but he has full powers of inspection and supervision and can call for full information and papers whenever necessary.

PUNJAB.

	Allotments from the Government of India grant.	Expenditure up to 15th Nov- ember, 1937.
	Rs.	Rs.
1. Consolidation of Holdings	2,01,766	2,07,182*
2. Sanitary improvements in Gujrat district	8,829	8,829
3. Bore-hole latrines in Gurdaspur district	10,000	9,084
4. Water-supply schemes	2,25,322	71,827†
5. Serum cellars	20,225	19,745
6. Reconstruction of Veterinary Hospitals in Rohtak district	12,000	11,478
7. Construction of 10 Veterinary hospitals	60,000	48,348
8. Broadcasting scheme	48,040	35,865
9. Tanning scheme	75,920	51,834
10. Fruit growing	62,000	51,696
11. Well-boring	25,898	25,898
12. Discretionary grants	1,00,000	95,164
	<hr/> 8,50,000	<hr/> 6,36,950

*Excess expenditure incurred in anticipation of the second grant.

†Includes Rs. 1,000 and Rs. 2,390 on account of expenditure incurred in connection with cinema films and loud speakers and sheep development originally sanctioned in Government of India letter No. D.-3170-B., dated the 23rd August 1935.

Consolidation of holdings.

2. *A. Co-operative Department.*—An area of 65,813 acres was dealt with at an approximate cost of Rs. 1,15,994, which gives an average of Rs. 1-11-5 per acre. Large areas are under operation, notably in the Jullundur, Hoshiarpur and Gurdaspur districts. The entire grant under this head has been expended; but in anticipation of the second grant this important work is being carried on and is being increasingly appreciated.

B. Revenue Department.—Successful operations have been carried on in Sialkot, Rohtak and Gujrat districts. The Punjab Consolidation of Holdings Act has not yet been put into force pending sanction after the next sitting of Punjab Legislative Assembly of the rules under the Act. Rs. 41,396 have been spent out of total of Rs. 50,000 granted for this work.

3. *Sanitary improvement in Gujrat district.*—Sanitary improvements consisting of street paving, drainage and the making of wells safe from contamination have been completed at a cost of Rs. 26,486. Two-thirds of this total cost has been met from contributions by Dehat Sudhar Committees and the District Board, i.e., one-third each.

4. *Bore-hole latrines in Gurdaspur district.*—3,146 latrines have been put up in the rural areas of this district at a cost of Rs. 9,084. The work however was brought to premature close as the Public Health Department were expressing doubts as to the effects of these conveniences on the purity of the sub-soil water.

5. *Water-supply schemes.*—The water-supply schemes at Palampur in the Kangra district had been almost completed by the 15th of November 1937 at a cost of Rs. 18,486 and appears to be functioning satisfactorily.

Machinery has been ordered for the Vehoa scheme in the Dera Ghazi Khan district and the scheme for Sakhi Sarwar is pending with the Agricultural Engineer.

The work is about to commence at Burekhel in the Mianwali district and Choa in the Shahpur district.

At Toba in the Jhelum district the pipe line has been laid and the service reservoir is under construction.

The work at Sanawan in the Mianwali district has been taken up while that at Jabbi in the Shahpur district has been held up pending the decision of a claim by a neighbouring village to share in the supply.

6. *Serum cellars.*—141 serum cellars have been completed at a cost of Rs. 19,745.

7. *Reconstruction of veterinary hospitals at Rohtak.*—The veterinary hospital at Rohtak has been completed at a cost of Rs. 11,478-2-0. The balance of Rs. 521-14-0 has been utilized, with the local Government's sanction, towards additions to rural veterinary hospitals in that district.

8. *Construction of veterinary hospitals in rural areas.*—With the exception of the veterinary hospital buildings at Punahana and Chhainsa in the Gurgaon district all other veterinary hospitals to be constructed under the scheme were completed before the 15th November 1937. It is expected to be able to utilize the full grant before the close of the financial year.

9. *Broadcasting scheme.*—This scheme has been undertaken in the Rohtak, Karnal and Gurgaon districts adjoining the Delhi Broadcasting Station. Unfortunately constant need for repairs has compelled the reduction of sets in use from 14 to 12. The rural van containing these instruments toured over 5,000 miles for repairs, installation and observation. The programmes were lately of rural talks from the Delhi Broadcasting Station, which are reported to be popular and to have aroused interest among villagers in their own improvement. A sum of Rs. 35,865 has been expended out of the total allotment of Rs. 48,040.

10. *Tanning scheme.*—A sum of Rs. 75,920 was allotted to this purpose. Part of this was spent on the Central Tanning Institute at Jullundur and part on the two travelling tanning demonstration parties, which travelled through the province.

A tanning institute has now been opened permanently at Jullundur which is one of the biggest centres of the tanning trade in the Punjab. It is reported that large numbers both from the castes usually associated with this trade as well as educated persons from other castes have received training at it.

Machinery and equipment worth Rs. 29,000 have been purchased and the construction of buildings for the institute is in hand and will be completed before long.

Promising results have been obtained by the Research Assistant in samples of leather tanned with *Carissa Spinorum* leaves which are proving to be of superior quality and it is hoped that this will prove of great benefit to the industry in this province.

Other materials are also under examination.

The travelling demonstration parties—one in the Multan and one in the Gurgaon district—gave popular demonstrations to *chamars* in improved methods of tanning. These proved useful and popular; but it is a pity that they had to stop the work in the second week of April 1937 owing to lack of funds, though there was considerable demand for the continuance of this work.

11. *Fruit growing*.—The scheme is divided into two parts—

- (1) Provision of a large number of reliable nursery fruit plants for sale at cheap rates—Rs. 47,000.
- (2) Provision of a fruit preservation plant on a semi-commercial scale for experimental purposes and to afford facilities for giving instruction to the public in fruit preservation—Rs. 15,000.

As regards (1) the existing fruit nurseries at six district headquarters were extended and new nurseries started at three other places, including one at Muzaffargarh for dates and one near Murree for hill fruits. It is gratifying that no less than 28,310 plants were sold from these nurseries during the period under report. It is anticipated that at least 50,000 more will be available for sale to the public during the coming year.

The fruit preservation and canning plant at the Punjab Agricultural College, Lyallpur, has attracted considerable interest and arrangements have been made with well-known firms of provision merchants for the sale of its products. It is well-established that these products can be sold profitably at less than the cost of the corresponding imported articles.

12. *Well boring*.—A considerable stimulus was given to well boring by the temporary abolition of the overhead charges levied from well-owners towards the overhead expenditure in the provision of staff and the maintenance of equipment. But this was permitted only so long as this charge could be off-set by the grant of Rs. 25,898 received from the Government of India. This sum was exhausted by the 30th April 1937.

It is satisfactory that 449 wells have been bored during the period this concession was in force as compared with 251 wells in the corresponding period prior to its introduction.

13. *Discretionary grants*.—A sum of Rs. 95,164 has been spent out of the total sum of one lakh granted for this purpose. The general nature of this grant was described in item 12 of the report for the period ending with 31st July 1936. Since then there has been only a small sum of Rs. 3,000 available for expenditure under this head.

BIHAR.

	Allotments from the Government of India grant.	Expenditure up to 31st December, 1937.
	Rs.	Rs.
1. Village communications	2,93,000	1,82,980
2. Rural water supply	4,07,000	2,43,111
3. Miscellaneous	1,22,000	1,16,623
4. Village welfare schemes	80,000	10,785
5. Unallotted reserve	65,500	..
	<hr/> 9,67,500	<hr/> 5,53,499

2. The reports from the Commissioners generally indicate that the more popular works are those connected with water supply and irrigation. The Collector of Gaya, reports that repair of irrigation works is likely to prove the most useful way of utilising the grants, which opinion Government themselves fully share. A very successful improvement that has been undertaken is the draining of the Bharthua Chaur in the District of Muzaffarpur. Before the execution of this project an area of about 10 sq. miles remained under water for a considerable part of the year. As a result of the drainage work an area of 8.2 sq. miles has already dried up and about 2.5 sq. miles have been sown with paddy and about 5.7 with rabi crops. A further area is now subject to a lesser depth of flooding than previously and the water dries up more quickly owing to the lower level in the Chaur. While generally District Officers report that the construction of wells is more popular than that of roads, and the difficulty of the maintenance of roads is emphasised in all reports, at the same time in the Santal Parganas the road making programme has been a success and it is reported that people of the rural areas in which village communications have been completed are feeling the advantage of easy transport of their commodities to big hats and bazars. It seems, however, possible that it may become necessary to make some reallocation between the two heads water supply and village communications.

3. Most of the Commissioners report that there is difficulty in getting the villagers to provide one third of the cost of the project either in cash or by means of free grants of land or labour.

The Commissioner of the Tirhut Division states that the villagers on the whole have co-operated to make this scheme successful, but that they are generally reluctant to pay the one-third contribution towards the completion of the schemes either in cash, kind or labour and are generally even more vocal in giving reasons why it is impossible for them to do so than they are in pressing their claims to have particular schemes taken up. He has therefore done his best to emphasise on all occasions the importance of self-help as an essential factor of all successful work in

rural reconstruction; he considers it of the utmost importance that the contribution on the part of the villagers either in cash or labour should be retained as an integral part of the scheme otherwise than in exceptional cases, as it is only human nature for benefits to be appreciated more highly when they have cost something in money or work to the benefited; and any system of free gifts leads only to pauperisation. In order to overcome the attitude of the villagers in this respect much can be done by non-official social workers, who are in a position to impress on the villagers the value of self-help and of contributing to some degree towards the execution and maintenance of rural reconstruction projects. In this matter Government agree with the view that it is of the utmost importance that this condition should be retained, as one of the main objects of the grants is to instil a spirit of self-help.

4. A sum of Rs. 40,000 was placed at the disposal of the Hon'ble Minister of Education and Development for a village welfare scheme in Bihar and out of this sum to date a total of Rs. 12,035 has been expended. Four centres—one in each division—have been selected and at each centre there is a staff comprising one Rural Welfare Officer, one Village Guide, one Agricultural Kamdar and one Dai under the supervision of a Rural Welfare Committee composed of officials and non-officials. It is reported that some of the ignorance and conservatism of the villagers is being gradually overcome by organised propaganda and that programmes of adult education through the organisation of night schools, improvement of village sanitation and other agricultural and public health improvements have been carried out. In matters of education, 36 schools, including two girls schools, have been opened and in several of these schools literate persons of the village work without remuneration. In one centre a library has also been started. As regards sanitation and public health, soakage pits, bore-hole latrines, &c. have been introduced and five gymnasiums for the promotion of physical culture have also been started. Agricultural improvements follow the usual line and include improvement of village cattle and poultry breeding. In matters of child welfare a training class has been started at one centre.

CENTRAL PROVINCES AND BERAR.

	Allotments from the Government of India grant. Rs.	Expenditure up to 30th November, 1937. Rs.
1. Rural water supply	1,20,000	1,14,952
2. District Officers' discretionary grants	1,00,000	69,137
3. Welfare of aboriginal tribes in scheduled districts	40,000	25,468
4. Dispensary buildings in villages	15,000	13,808
5. Experiments in poultry farming	10,000	9,092
6. Improved bulls for District Councils	30,000	14,289
7. Farm in Mandla District	30,000	23,839
8. Additional Debt Conciliation Boards	1,00,000	94,989
9. Cinemas on lorries for demonstration work	20,000	17,131
10. Purchase of boring plants	15,000	12,884
11. Storage accommodation for cultivators' produce	20,000	..
	<u>5,00,000</u>	<u>3,95,589</u>

2. *Rural water supply.*—The scheme contemplates the construction of 211 wells in the nineteen districts of the province and the improvement of water supply in raiyatwari areas by the construction of 29 new wells and one tank, repairs to 38 wells and 10 tanks and the construction of a water channel. It was hoped that the entire grant would be utilised by the close of March 1937, but the local bodies could not fulfil the conditions in respect of their contributory share and most of them have applied for further extension of time till the middle of July 1938 which has been sanctioned by the Provincial Government.

3. *Discretionary grants.*—The whole of the expenditure under this head is devoted to the construction of new wells, new tanks, repairs of old wells and tanks, repair of roads and construction of causeways on village roads. Such works number 304 in all. The balance left unexpended on the 1st December 1937 will be expended during the forthcoming hot weather.

4. *Grant for the welfare of aboriginal tribes.*—The schemes sanctioned by the Provincial Government include travelling dispensaries, new roads and wells or repairs thereto and a small contribution to four dispensaries for the treatment of aboriginals suffering from "yaws". A sum of Rs. 9,000 has been allotted for the maintenance of two travelling dispensaries for two years in the Raipur and Mandla districts which started from April 1936 and are reported to be doing useful work. The proposal to establish a travelling dispensary at a suitable place in the Betul district has since been dropped. Of the roads proposed to be constructed, one is a link road from Khapa to Lutia in the Chhindwara district, which will provide a most valuable means of access to Batka-Khapa Jagir, one of the wildest and most inaccessible regions in the Chhindwara district inhabited by aboriginal tribes. It will provide an outlet for forest produce and react favourably upon the conditions and prosperity of the aboriginal inhabitants. This road has progressed satisfactorily and will be completed by the end of May 1938. All the other schemes undertaken are similarly calculated to alleviate the conditions in which aboriginals live. It is hoped that the grant will be spent by the end of September, 1938.

5. *Cheap plan dispensaries.*—The schemes so far sanctioned will cost Rs. 14,578 and they include cheap plan dispensaries at Atnair in the Betul district, at Kurkhera and Bhamragarh in Chanda district, Mounda in Nagpur district and Mohta in Betul district. It is expected that the balance will be utilised on the establishment of a cheap plan dispensary at Bilaigarh in the Raipur district.

6. *Experiments in poultry farming.*—On the Borgaon farm, the construction of incubation and breeding rooms, poultry and chicken houses, trap nests, perches, dropping boards, runs etc., was completed by the middle of March 1937. Three incubators of varying capacity were purchased. Besides these, other equipment and appliances found necessary, have also been provided. To start the work, one cock and 12 hens of the white leghorn and one cock and 5 hens of the Rhode Island breed, were purchased. Five country hens were also purchased locally for hatching eggs. The birds and eggs were exhibited at the various

demonstrations given in Berar and as a result of this, birds and eggs were distributed and sold as given below:—

	Distributed free.	Sold.	Total.
Cocks	139	11	150
Hens	7	48	55
Eggs for hatching . . . . .	..	532	532

The summer however, proved to be too severe for the poultry and several succumbed. Shady plants are therefore being planted in and around the poultry yard with a view to provide shade and comfort to the birds, particularly in summer.

The total expenditure incurred on the Borgaon farm upto the end of November, 1937, amounted to Rs. 3,266. The unspent balance from the allotment sanctioned for the scheme will be spent during the next financial year.

7. *Provision of bulls for District Councils.*—One hundred bulls and 19 buffalo bulls have been distributed free of cost out of the Government of India grant to District Councils and other institutions. Besides these, 198 bulls were purchased out of the above grant and sold to donors. Sale proceeds of most of the bulls have been recovered from the donors and it is expected that the whole of the allotment will be spent by the end of the current financial year.

8. *Opening of a farm in the Mandla district.*—As already stated in the last report an area of 510 acres has been acquired for the Farm at Dindori (Mandla). The construction of the following farm building has been completed:—

1. Farm Superintendent's quarters.
2. Quarters for six ploughmen.
3. Farm office.
4. Granary.
5. Quarters for 3 Jamadars.
6. Two cattle sheds.
7. Entrance structure.

Besides the above buildings, two wells have been constructed.

The construction of the other buildings necessary cannot be completed during the current year.

At present there are 11 pairs of bullocks on this farm and three more pairs are being purchased during the current year.

The full grant cannot be utilised during the current year as previously anticipated.

The running expenditure of the farm is being met from the provision made in the Departmental budget for the purpose.

An area of 228 acres is now under cultivation (105 acres kharif and 123 acres rabi).

The unspent balance out of the grant is likely to be spent during the next year towards the construction of necessary buildings and purchase of breeding stock etc.

9. *Debt Conciliation Boards*.—Out of the centres at which boards financed out of the grant were set up, (1) Chhindwara, (2) Damoh-Hatta, (3) Amraoti-Chandur and (4) Khandwa are still working. The board at Ramtek-Umrer has recently been closed.

10. *Cinema outfit for demonstration work*.—All the fittings and equipment of one of the Cinema Demonstration Lorries are complete and it is ready to be sent out for demonstration work in the Northern Circle where programmes are being arranged. An order has been placed with the Indian Stores Department for the purchase of a Cinema Projector and an Electric Generating Set for the other lorry. A sum of Rs. 2,055 more will be spent before the close of the current year and the balance of Rs. 814 during the next financial year.

11. *Purchase of two well boring plants*.—As already stated in the last report this has replaced the scheme for the purchase of two tractors for the Saugor district. Both the units ordered through the Indian Stores Department have been received. Some special tools and cutters will have also to be ordered but this will be done after taking some trials of the boring sets. The remaining amount is likely to be spent during the next financial year.

12. *Storage accommodation for cultivators' produce*.—Sites for two godowns in Chhattisgarh have been selected and the material for them is being ordered. It is hoped to utilise Rs. 12,000 towards the construction of 3 godowns, two in the Chhattisgarh and one in the Nagpur district before the close of the current financial year. The remaining two will be constructed during the next financial year at the sanctioned cost of Rs. 8,000.

13. *General*.—Out of the total grant of Rs. 5,00,000 a sum of Rs. 3,95,589 has already been spent leaving a balance of Rs. 1,04,411 only which is not expected to meet the total expenditure likely to be incurred during 1938-39. Besides this, Government has received a further programme of the following schemes involving an expenditure of 6 lakhs promised by the Government of India:—

	Lakhs.
1. Rural water supply in the Province	3
2. Rural communications	1
3. Cheap plan dispensaries	1
4. Travelling dispensaries	1

The necessary details in connection with these schemes are being considered.

NORTH-WEST FRONTIER PROVINCE.

	Allotments from the Government of India grant.	Expenditure up to the end of December, 1937.
	Rs.	Rs.
(1) Drinking water supply schemes	1,20,000	31,092
(2) Discretionary grant including grant for control of hill torrents in Dera Ismail Khan	1,10,000	75,337
(3) Improvement of village roads	10,000	7,607
(4) Anti-malarial measures	15,000	15,000
(5) Opening of school farms	10,000	..
(6) Marketing facilities for local industries	3,000	2,607
(7) Bara irrigation	5,000	4,786
(8) Industrial shops	7,000	7,000
(9) Manufacture of Shora Bone Meal	20,000	20,000
	<hr/> 3,00,000	<hr/> 1,63,429

2. *Drinking water supply schemes.*—Considerable difficulty has been experienced in the construction of drinking water supply wells, etc. The services of a water diviner were engaged but the majority of schemes based on his report failed with the resultant discouragement of the zamindars. In consequence it was decided to hold up all schemes until a survey of the water level had been completed and tests with an automatic diviner and boring experiments had proved the presence of water. The automatic water diviner and a boring plant which had been ordered out from England have now arrived and work on the schemes is in progress.

3. *Discretionary grant.*—Considerable progress has been made in completing the schemes sanctioned in 1935. Out of a total number of 76 schemes sanctioned, work on 65 has been finished. Eight were abandoned owing to the refusal of villagers to contribute their shares leaving a balance of only 3 schemes still to be completed. The schemes have been completed in Peshawar district, namely the construction of a syphon and the erection of a village protection bund.

4. *Improvement of village roads.*—All schemes sanctioned have been finished. A number of village roads have been improved and made serviceable for bullock cart traffic.

5. *Anti-malarial measures.*—The entire allotment was expended in 1935-36.

6. *Opening of school farms.*—The cost of providing school farms proved excessive and the scheme has been dropped.

7. *Marketing facilities for local industries.*—There has been no change during the period under report.

8. *Bara irrigation.*—A sum of Rs 4,786 was sanctioned for the construction of pucca sailaba heads to improve the Bara irrigation system. The scheme has been completed.

9. *Industrial shops.*—A cottage industries shop was started in Peshawar Cantonment in 1936. Satisfactory sales are reported particularly in the case of local manufactures from Peshawar City and Swat.

10. *Manufacture of Shora Bone Meal.*—Tests carried out at the provincial Agricultural Research Farm at Tarbnab have proved the efficacy of Shora Bone Meal as a manure. Sales have been disappointing and it will take time before the zamindar is taught to understand the advantage of artificial manure.

11. The recommendations of the Deputy Commissioners are expected in the next few months when the new grant together with the balance left over from the previous grant will be distributed.

ASSAM.

	Allotments from the Government of India's grant. Rs.	Expenditure up to the 30th November, 1937. Rs.
1. Rural Water Supply	3,00,000	1,19,000
2. Village Roads	1,00,000	68,000
3. Village Sanitation	40,000	30,000
4. Discretionary grants	40,000	24,000
5. Boro irrigation	40,000	36,000
6. Cattle Breeding	15,000	5,000
	<hr/> 5,35,000	<hr/> 2,82,000

Rural Water Supply.—In the plains districts, 163 wells and 24 tanks were constructed and 17 tanks renovated. In the hills and Frontier Tracts 13 wells, 6 galvanized tanks and 18 pucca tanks consisting of stone masonry walls built round water springs were completed; some spring water supplies were also improved. The main contribution of the villagers to the scheme for the improvement of water supply has been the free gift of lands.

3. *Village roads.*—About 100 miles of village roads, many bridges and some culverts were constructed. Other roads were improved. Free land and labour for the construction of these roads were given in most cases by the villagers. Their contribution for this purpose has been assessed at considerably more than what has been spent from the grant.

4. *Village Sanitation.*—The bulk of the money was spent in constructing wells, tanks and roads, renovation and clearance of old tanks, repairing roads, bridges and wells and in the construction and improvement of water channels and drains. Some amount was also spent in anti-malarial measures, clearing of jungles, purchase of quinine and of other medicines to combat epidemic diseases. The contribution of the villagers amounted principally in the provision of free land and labour.

5. *Discretionary grants.*—As mentioned in the report of the progress up to the end of June 1936, these grants were used to a large extent to supplement those for village roads and rural water supply. Allotments were also made for the following objects for which separate figures are not available in most cases:—

Poultry improvement, aiding village library, maternity ward, dispensary, school, construction of bund for wet rice cultivation, purchase of charkas, Jacquard looms, sugarcane crushing mills, breeding bulls, kodalis, pickaxes and jumpers for lending out to villagers for improving

6. *Boro irrigation*.—The ten pumping sets purchased during 1935-36 were overhauled and repaired and ten more pumping sets purchased. These twenty pumps were distributed for demonstration of boro cultivation by means of mechanical irrigation as shown below:—

Sylhet	.	.	.	.	.	.	.	.	14
Cachar	.	.	.	.	.	.	.	.	1
Nowgong	.	.	.	.	.	.	.	.	2
Goalpara	.	.	.	.	.	.	.	.	3

7. *Cattle Breeding*.—Fifty two bulls were purchased and distributed to 9 centres. 5 stockmen were appointed for maintaining records of services of these bulls. This scheme will be developed from the second grant provided by the Government of India.

8. The grant made by the Government of India is proving of great benefit to the people of this province who have generally responded readily. The following extracts from a few typical district and sub-divisional reports are quoted to illustrate what has been accomplished in the period.

Water supply.—Altogether 143 trial borings for reinforced concrete ring wells have been made in this district but 53 only have so far proved successful and 2 still await the result of analysis. Of the places where borings have proved successful and water found potable the construction of wells in 28 places has since been completed and in 20 other places is nearing completion, elsewhere the work is still in progress.

Tube wells also have in some instances proved a failure. Up till November, 1937, 14 tube wells have been sunk and 20 other wells are nearing completion.

Tanks have not been taken up from the grant in this district yet. In Sunamganj and Karimganj sub-divisions little progress has been made with water supply, and it is being considered whether tanks, which if properly designed and constructed have certain advantages, should be permitted. Lands for all these wells have been given free by the villagers concerned from whom no other contribution in cash or labour has been received.

Village Roads.—Construction of two important roads in Habiganj, 12 semi-permanent bridges, 32 culverts and improvement of four existing roads were undertaken with the grant. Construction of one road about 8 miles long, 10 bridges and 5 culverts, and improvement of one road have already been completed. Work in other projects is in progress.

The estimated local contribution is about Rs. 72,000 in the forms of free gift of lands required or free labour for the two roads constructed in the Habiganj sub-division. No local contribution has been received elsewhere."

LUSHAI HILLS.

"The progress has been slow but every work which was undertaken has been found to be of first class standard—of essential utility—and most popular with the villagers. The areas served have varied and there is not a single case where the expenditure has not resulted in a work of real value and all cheaply done.

Due to the very wide areas and slow communications it is only possible to bring relief to an infinitesimal section of the people. But the bridges have given immense benefit to whole areas previously quite cut off from headquarters in the rains."

BARPETA SUB-DIVISION.

"Only point of interest is that in this sub-division people are more anxious for roads than wells, and are willing to contribute for roads to the extent of one-third of the cost, that is, they would like to contribute one part if they get two parts from the Government."

NOWGONG DISTRICT.

"The people in this district respond readily to the call and have contributed a great deal in cash, land or labour. In some roads the works have purely been carried out by villagers themselves with only a small nominal grant from Government. It appears that the scheme has met with the general appreciation."

NAGA HILLS DISTRICT.

"*Water Supply.*—18 pucca tanks of stone masonry wall—with pipe outlet—round the village water springs were erected during the period which have improved the water supply of the villages immensely.

The villager's contributions in labour were estimated to almost the same amount spent by Government and in some cases more."

ORISSA.

	Allotments from the Government of India grant. Rs.	Expenditure up to 30th November, 1937. Rs.
1. Village Communications	1,37,250	88,568
2. Rural Water Supply	1,52,250	1,02,150
3. Village Welfare Scheme	10,000	2,473
4. Cattle breeding	10,000	10,000
	<hr/> 3,09,500	<hr/> 2,03,191

2. The total grant allotted to the areas constituting the new province of Orissa amounted to Rs. 3,09,500 which was distributed as noted below:—

	Rs.
Communication and Water Supply	2,99,500
Village Welfare Scheme	10,000

Of Rs. 2,99,500, a sum of Rs. 10,000 has been diverted for a grant to the Orissa Cattle Breeding Association, leaving a balance of Rs. 2,89,500 for communication and water supply. This sum of Rs. 2,89,500 includes a sum of Rs. 27,000 allotted by the Government of Madras to the areas transferred to this province. A sum of Rs. 480 out of this Rs. 27,000 has not yet been accounted for by the Collectors of Ganjam and Koraput and steps are being taken to obtain a proper account of this amount. The present report thus relates to the amount of Rs. 2,89,020 allotted for the purpose of improving communications and water-supply. The progress of the schemes is explained in the following paragraphs:—

3. In Cuttack District, the schemes sanctioned were revised from time to time in the light of subsequent experience. The Collector reports that experience has shown that it would be better on the whole to concentrate work on a smaller number of rather more costly schemes than to start a large number of petty schemes, the execution of which is difficult and the benefits arising from which are hardly appreciable. It is reported that the encouraging progress made in the first working season was not sustained, partly due to the unrest caused by the general election and partly also to the general disinclination on the part of villagers to contribute, in labour or otherwise, half the cost of a project which has been fixed as their share of the contribution. It is also observed that when there are a large number of projects, it is becoming increasingly difficult to persuade owners of land to agree to make over the site, and particularly to give a registered deed of agreement for it.

4. In Balasore, the Collector reports that the available balance will be utilised for projects of emergent nature that are likely to be taken up later on, for meeting the extra charges of the projects which are found to have been under-estimated, and for meeting the cost of execution and registration of deeds of gift in connection with land acquired for the schemes.

5. In Puri, the schemes were selected according to the needs of the locality, special attention being paid to the needs of the depressed classes in the area. The Collector notes that far better progress has been made in the current year than in the previous years. The villagers are gradually beginning to recognise the benefits of this grant and are evincing considerable enthusiasm in the execution of the schemes.

He also reports that the projects in the Khurda Subdivision have been satisfactorily executed and the people there have expressed their earnest desire for more schemes relating to the improvement of sources of water supply, as over the major portion of the Subdivision the soil is hard and rocky and the dearth of water is keenly felt in most of the villages during summer. The villagers are not very enthusiastic about road projects as the cart tracks on rocky soil serve the purpose of roads. In the Sadar Subdivision, it is said, the need for communications is as great as that for wells and tanks. .

Of the available balance of Rs. 12,892, Rs. 8,000 has been distributed over 'Communication' and 'Water-supply' projects already in progress in the Khurda Subdivision and the balance of Rs. 4,892 is being spent on projects which are expected to be completed by the end of the current year. There will, therefore, be no money left for the next year.

6. In Sambalpur, the Deputy Commissioner reports that the execution of water-supply projects in the district has been of great help to the villagers in which such projects have been taken up, as affording some security against shortage of water in summer. There is still a great demand for projects relating to water supply in this district, and additional funds will be necessary to meet the demand.

The construction of roads, particularly in the Nawapara subdivision, has also served to meet a need.

7. In Ganjam, the Collector reports that the district board has spent all the amounts from its own funds. The Board has addressed the Government to adjust these amounts to the debit of the rural development grant allotted to it by the Government of Madras. The well at Rubhangi is the only work under construction at present and it is expected to be completed by the 31st March, 1938.

There is a balance of Rs. 700 only relating to the repairs to tanks in Khondmals and these works are expected to be completed shortly.

8. In Koraput, 18 wells and one cistern at a cost of Rs. 12,409-7-0 were successfully completed and are now in use. It was only in the case of a well at Borigumma that the public contributed in money or labour for the execution of the work. The Collector reports that there was at first a certain amount of suspicion aroused by the suggestion that the villagers should make contributions to the cost of the works intended to benefit them, as this system seemed to be akin to that of 'bethi' system of labour about which there has been considerable agitation in these parts recently. When this objection was overcome, there remained the practical difficulty that almost throughout this district the people were, on the whole, entirely unskilled in the art of digging wells. If it was proposed to dig a well in a particular village, where its necessity was felt, it was found necessary to import workmen practised in this form of work, from a distant village. Where this difficulty has been serious, it has been found possible to enlist the enthusiasm of the villagers by proposing the excavation of tanks, a work in which no technical skill is required. A small beginning was made in the hot weather with works of water-supply in which villagers had undertaken to meet a proportion of the cost. Since the close of the rainy season some further works have been begun, but as yet none has been completed, as the proper season for such works is the hot weather.

Now that the new roads are visible it has been noticed that other villagers have come forward of their own accord to ask for the sanction of grants. It is likely that the successful completion of new works of water-supply will have an even better effect, as villagers are in general more anxious about these than about communications.

The Collector anticipates that by the next cold season the number of works in progress will greatly increase, if a grant is available.

9. The Revenue Commissioner, Orissa, who is the Provincial Reviewing Officer, in respect of all rural development schemes, observes that:— while useful work has certainly been done, and further work should be encouraged, the degree of success attained varies greatly and the progress already made cannot be regarded with undiluted satisfaction. In the desire that the greatest number of people should at least have some little benefit, there has been a tendency for the grant to be dissipated in a large number of small projects. Experience suggests that progress was more steady and commanded more public support where the projects have been bigger. The character of the works undertaken is small roads and the cleaning of tanks or sinking of small wells. In the hilly hinterland these little roads are of some value. The soil gives a fairly good surface and it is only necessary to demarcate and level the road and it will remain in good condition even through the rains. The case in the coastal area is very different. The small stretches of road made are just fair weather roads of the natural soil, which is unsuitable for a road surface, and the work done can hardly survive the rains, even if there are no floods. As far as roads go the use of the grant should be confined to (a) large projects in which some metalling and the construction of culverts is done and (b) the gravelling or improvement of paths within the village, with a very short length, where possible, to a main road or to the place whence the women carry the water-pots. The same thing is noticeable in the case of watersupply. Small sums are given for desilting tanks and a large number of earthen-ring wells are being made. It would be far better to make a few masonry wells of a more substantial type. The degree of assistance received from the villagers varies greatly. It has been found somewhat difficult to persuade villagers to give the aid required either in labour or money. Collector of Koraput describes how suspicion and indifference is being gradually overcome and the help of villagers enlisted. It is noted that the active propaganda against "bethi" has been a hindrance, since any form of self-help is regarded as falling within this invidious thing. In general village committees have been found not very satisfactory but village headmen where they still survive have been useful. Progress has been more rapid in Government Estates where the Sub-divisional Officer and his staff are more in touch with the people than they are in the Zamindari areas. Difficulty has often been found in obtaining grants of land for wells.

It should not be concluded from these criticisms that the undertaking has been a failure. But it clearly has worked better in the hilly areas, partly because the conditions attaching to the grant are more suitable for those areas and also because the village communal system is to some extent surviving there and also there are large areas of Government Estate, where revenue officers and people are in close touch. The class of work undertaken is less suitable to the coastal areas. It is noticeable, however, that the measure of public support obtained is large where the projects are more substantial, and the need for husbanding the grant and checking dissipation of it seems to me the chief lesson of the last two years.

10. The Village Welfare scheme, to which a sum of Rs. 10,000 has been allotted, is being carried out at Derser-Deuli, a village in the district of Cuttack which is considered suitable for the purpose. During the year 1937, a sum of Rs. 2,473 was spent on the activities under the scheme.

The items of work done so far are the reclamation of swampy portions of the villages adjoining Derser-Deuli, the provision of drainage, and the repair of old and dilapidated wells. Lectures on Public Health were delivered in the village and its surroundings, a tangible result of which was that a large number of children and adults were vaccinated against Small-pox.

11. His Excellency the Governor of Orissa visited the Village Welfare Centre at Derser-Deuli in December 1937 and has seen several of the completed schemes in the course of the last 18 months.

12. On the whole, the Government of Orissa consider that the work in connection with rural reconstruction has been carried out satisfactorily in all parts of the Province, and the amount allotted to the Province has been usefully expended. District Officers and District Boards have had many difficulties to contend with, but to a large extent, their efforts have met with success.

SIND.

	Allotments from the Government of India grant.	Expenditure up to 31st December, 1937.
	Rs.	Rs.
1. Establishment of Seed and Implement Depots	35,000	87,750
2. Improvement of Cottage Industries—		
(a) Soap making	21,600	
(b) Rope making		
(c) Tanning and Flaying		
3. Discretionary grants	81,400	
	<hr/> 1,38,000	<hr/> 87,750

2. The following table shows the expenditure incurred from the beginning of July 1936 up to December 1937:—

Spent by the Agricultural Department on establishment of Seed and Implement Depots	14,900
Spent by the Department of Industries on the improvement of Cottage Industries	7,850
Spent by District Officers	19,500
	<hr/> 42,250

3. As regards details of the work done under the first head, there were 18 Seed and Implement Depots, distributed in all the districts of Sind. Each depot was under the supervision of the local Inspector of Agriculture and was incharge of the special kamgar. About 24,000 maunds of pure seed of improved varieties of cotton, wheat, rice, jowari, bajri and oil seeds and 800 improved agricultural implements were sold at these depots and they complied with 374 requisitions for the hire of implements. The system has been of great benefit to agriculturists in Sind, especially small khatedars and cultivators and the Government of Sind attach great importance to this work, seeing that the chief problem of Sind at present is to improve the methods of cultivation under the Barrage.

4. As regards Cottage Industries, the expenditure was incurred on the demonstration of soap making and rope making. The former was introduced in Dadu District and the scheme provided for the appointment of a chemist, an assistant and a boy helper. The village people showed much interest in the industry. It has, however, since transpired that soap making will not be of any practical value as a cottage industry, and the main benefit of the demonstrations has been to establish demand for the oil crushed in small villages for the purpose of soap making in towns.

The rope making scheme has been attended with greater success. It provides for the appointment of a demonstrator and a rope-layer and practical demonstrations have been given in

- (i) making ropes on an improved machine,
- (ii) polishing ropes,
- (iii) dyeing fibre,
- (iv) making mats, and
- (v) making furniture from ropes and bamboo sticks.

The chief centre of the industry was in Rohri taluka of Sukkur District. There about one hundred rope makers were engaged in rope making and several workers have been trained to demonstrate the industry in the villages. There appears to be a good future for this industry in the villages of Sind where coarse grass suitable for the making of ropes exists in great quantities. Though it was also intended to introduce a village tanning and flaying scheme, it was not possible to make a start during the period under report.

5. The amount expended by the District Officers has been used mostly for the improvement of water-supply in villages and sinking of wells, particularly tube wells, improving and deepening of tanks, construction of bathing ghats, levelling of streets and paving of bazaars, construction of approach roads to villages, drainage, supply of cess pool carts, laying out of parks and opening of night schools. Technical schools were opened in some districts. In the Larkana District classes for cane making, weaving and carpentry work were opened. The weaving industry was started in various parts of the Dadu District and at one place in the Thar Parkar District. Other expenditure was incurred on training of dais, employment of touring medical officers and on agricultural shows. In the Thar Parkar District the scheme of poultry farming was started.

6. Though the Government of Sind at first preferred to leave the work of village improvement to the District Officers and to the Directors of Agriculture and Industries, they have since come to the conclusion that, having regard to the particular circumstances of Sind with its wide areas and absence of regular villages, it is desirable to appoint a special officer to stimulate rural improvement. This officer will not be appointed merely to supervise or inspect the work but to work out schemes of village improvement, to advise the District Officers on the subject and assist them in carrying out their schemes and generally to co-ordinate and stimulate the work throughout the Province. The officer appointed for this purpose will be a retired officer, Khan Bahadur Azim Khan, who worked for many years as Deputy Registrar of Co-operative Societies and also held for a short time the posts of Manager, Incumbered Estates and Collector. He

will work in an honorary capacity and will receive an honorarium of Rs. 500 per mensem which will include travelling and other expenses. The Government of Sind are confident that the appointment will lead to the more real development of village life in the province. In this connection they have already sanctioned a sum of Rs. 15,000 for the establishment of model villages and it is intended that the special officer should for this purpose visit the Punjab to study the model villages established, and the work of rural improvement which is being carried out, in that province.

DELHI.

	Allotments from the Government of India grant.	Expenditure up to 31st December, 1937.
	Rs.	Rs.
I. Improvement of water supply .	49,000	30,000
II. Communications	11,000	11,000
III. Reserve	15,000	4,000
	<hr/> * 75,000	<hr/> 45,000
	Rs.	
*First grant	50,000	
2nd grant	25,000	

I. *Improvement of water supply.*—The following works have been completed :—

- (a) repairs to 178 wells in 11 *zails*;
- (b) construction of two new tube wells;
- (c) special repairs to 84 wells in 13 villages selected as "Centres" by the Village Welfare Board.

The total cost of these works is Rs. 38,934 of which Rs. 30,076 have been paid, and the balance of Rs. 8,858 is payable on final bills.

The following works are in progress :—

- (a) repairs to 26 wells in the only remaining *zail*; and
- (b) repairs to a well belonging to *Chamars* in a village where the work is badly needed but was omitted previously.

The cost of these works is estimated at Rs. 6,080.

The liabilities under this head are therefore as follows :—

	Rs.
For works completed	38,934
For works in progress	6,080
Total	<hr/> 44,964 <hr/>

To this may be added Rs. 6,600 required for various further works of the same kind, making a total probable expenditure against the grant of Rs. 51,560.

II. *Roads and communications*.—The works completed are the improvement of the Maqbara Paik—Ochandi Road (Rs. 10,456) and the improvement of a short stretch of village road (Rs. 633 less Rs. 233 contributed by the people = Rs. 400). The total expenditure is thus Rs. 10,856. No works are in progress.

III. *Deputy Commissioner's Reserve*.—The expenditure under this head is largely indistinguishable from that under Head II. The works completed are a small bridge over an escape, improvements to two roads, and the filling of pits in two villages. The cost of these works *plus* the pay of a special Sub-Overseer amounts to Rs. 3,884.

The works in progress are two bridges, a culvert, and a small drain. The bridges and culvert are being constructed by the Central Public Works Department. The estimated cost of works in progress is Rs. 7,685.

The cost of works sanctioned but not yet begun (two bridges over drains) is Rs. 3,000.

The liabilities under this head are therefore as follows:—

	Rs.
For works completed	3,834
For works in progress	7,685
For works sanctioned but not begun	3,000
Total	14,519

IV. *Summary*.—Including actual disbursements, payments due to contractors, and all sanctioned items the progress of expenditure against the sanctioned allotment of Rs. 75,000 is as under:—

	Rs.
I. Improvement of water supply	44,964
II. Roads and Communications	10,856
III. Deputy Commissioner's Reserve	14,519
	<hr/>
	70,339

The balance of Rs. 4,661 is more than absorbed by the additional work amounting to Rs. 6,600 under head I.

The only contribution recovered from the villagers is that of Rs. 223 under Head II above. In all other cases the scheme had been sanctioned unconditionally before it was known that contributions would be obligatory. Owing to the poor *Kharif* harvest contributions will not be easy to realise in most villages.

AJMER-MERWARA.

	Allotments from the Government of India grant.	Expenditure upto the 31st December, 1937.
	Rs.	Rs.
(1) Improvement of village roads and construction of small bridges and culverts	23,250	20,256
(2) Propaganda for improvement of agriculture and sanitary conditions	22,750	11,846
(3) Improvement of livestock	1,000	1,178
(4) Discretionary grant	3,000	60
Total	50,000	33,340

2. *Improvement of village roads and construction of small bridges and culverts.*—Further improvements and repairs were completed in 75 miles of village tracks out of the 101 miles originally selected. The improvements include the construction of two causeways on the Beawar-Jalia Kotra road. Repairs were also made to existing culverts and causeways on the above roads which had been damaged during the rains or had previously fallen into disrepair.

3. *Propaganda for improvement of agriculture and sanitary conditions.*

Three Agricultural Assistants, aided by nine Agricultural Demonstrators are touring the villages, and are doing propaganda and demonstration work in the sub-divisions of Ajmer, Merwara and Kekri for the improvement of agriculture. The plan of operations received from the Institute of Plant Industry, Indore, includes experiments in different varieties of crops, *viz.*, Wheat, Barley, Oats, Gram, Linseed, Sugarcane, Tobacco, Mangold, Berseem, Cotton, Groundnut, Soya bean fodder and grain varieties. Jowar fodder and grain varieties, Potatoes, Bajra, and Maize.

Trials were carried out in the cultivator's own fields in selected villages. The results obtained are still under examination. The scanty rainfall during the last season, however, hampered progress.

The Sindewahi gur boiling furnace was demonstrated at 5 places.

Demonstrations were also given with a view to introduce the following improved crops and methods:—

1. The use of early arhar which ripens before the winter frosts set in.
2. Manufacture of rain-watered and municipal compost.
3. Manufacture of bone char manure.
4. Silage making.
5. Use of green manure and cover crops.
6. Line sowing of cotton.
7. Drying of cotton seed to prevent attacks by pink boll worms.
8. Interculture of cotton by (i) Indore Ridger and (ii) Lyallpur Hoe.

9. Control of Juar smut by treatment of seed with copper sulphate solution.
10. Control of Katra insect and white-ants by the application of poisoned bran.
11. Use of improved implements such as the monsoon plough, Kans plough, Indore Ridger and seed drill.

Night soil composting has been started by the Municipal Committee, Ajmer for trial on a small scale.

Agricultural demonstrations and exhibition of improved seeds were organised on the occasion of the Pushkar fair and the Teja fair at Kekri. Cinematograph shows of agricultural films were also provided at these fairs. The implements sold include 5 Indore ridgers, 1 drake rake, 2 monsoon ploughs and 2 digging forks.

Instruction on the following subjects were given to villagers by the Agricultural Assistants:—

The care and improvement of live stock; fruit and vegetable farming rural sanitation; education; co-operation and social reform.

Public Health.—100 medicine chests have been purchased through the Public Health Department, United Provinces, and have been placed in the charge of school teachers in the more unhealthy rural areas. Medicines are given free to the villagers. In times of epidemic the prompt distribution of medicine, *e.g.*, essential oils during cholera outbreaks, is the means of saving many lives.

4. *Improvement of live stock.*—Four bulls of the Tharparkar and Haryana breeds are being maintained for breeding. 61 cows were covered. One of the bulls is still too young to be effective.

5. *Discretionary grant.*—Out of this grant, a sum of Rs. 2,000 has been allotted for construction of a causeway across an important nullah in mile 4 of the Beawar-Jalia Kotra road. The work has since been completed.

The balance of Rs. 1,000 is being utilised through the Co-operative Department for propaganda on better living in the rural area.

COORG.

	Allotments from the Government of India grant.	Expenditure up to 31st December, 1937.
	Rs.	Rs.
Discretionary grant	15,000	10,137
Water supply schemes	32,500	28,733
Cattle-breeding	2,500	1,097
Total	50,000	39,967

Discretionary Grant.—The grant has been spent mostly on constructing roads and bridges, giving assistance to the development of cottage industries such as bee-keeping, courses of instruction in rural matters in certain Higher Elementary schools, sinking of wells for drinking water in places where they were badly needed, restoring tanks, repairing channels and constructing silage-pits in important centres for the preservation of fodder for cattle.

Water supply schemes.—In the first programme forty wells, one hundred and ten tanks, sixteen irrigation channels and five miscellaneous works had been included, but subsequently owing to the dire necessity of some villages the number of wells and tanks had to be increased. In the revised programme, forty four wells, one hundred and twenty-seven tanks, sixteen irrigation channels and five miscellaneous works have been included. Out of these the work in twenty-seven wells, seventy-five tanks and nine channels was executed before June 1936. From the beginning of July 1936 eight wells have been sunk, twenty-one tanks have been restored and six channels have been constructed. All the five miscellaneous works have also been completed.

The condition that the beneficiaries should contribute one-third of the cost of the schemes, either in cash or in the shape of free labour has been enforced. The works so far completed have been accomplished to the best of advantage of the rural population and the results achieved can be said to be satisfactory. All the completed works are in good condition. The remaining works will be completed as early as possible.

Cattle-breeding.—Suitable sheds for housing breeding bulls are in course of construction and the estimated cost of Rs. 1,260 has been transferred from the budget head "41—Veterinary—Rural Development Account—Cattle breeding" to "50-A—Civil works—Original works—Rural Development Account". So far Rs. 1,097 have been spent out of it. The sheds will be ready before the close of the current financial year.

Second Grant.—Out of the Government of India's second grant of Rs. 50,000 a sum of Rs. 16,600 has been sanctioned for the following items:—

	Allotments from the Government of India grant.	Expenditure up to 31st December, 1937.
	Rs.	Rs.
1. Bee-keeping	3,000	..
2. Angurs, etc., for bore-hole latrines	1,500	204
3. Discretionary grant	1,346	..
4. Village communications	2,260	..
5. Water supply schemes	8,485	..
Total	16,600	204

These various schemes will be taken up and completed before the end of the current financial year.

ELECTION OF MEMBERS TO THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Advisory Committee for the Indian Posts and Telegraphs Department for the financial year 1938-39."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Advisory Committee for the Indian Posts and Telegraphs Department for the financial year 1938-39."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform Honourable Members that for the purpose of election of Members to the Standing Advisory Committee for the Indian Posts and Telegraphs Department the Notice Office will be open to receive nominations up to 12 Noon on Friday, the 1st April, and that the election, if necessary, will be held on Monday, the 4th April, 1938, in the Assistant Secretary's Room, Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE DELHI JOINT WATER BOARD (AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move for leave to introduce a Bill further to amend the Delhi Joint Water Board Act, 1926.

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

"That leave be granted to introduce a Bill further to amend the Delhi Joint Water Board Act, 1926."

The motion was adopted.

Sir Girja Shankar Bajpai: Sir, I introduce the Bill.

THE INDIAN TARIFF (AMENDMENT) BILL.

Mr. H. Dow (Commerce Secretary): Sir, I move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose.

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

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose."

The motion was adopted.

Mr. H. Dow: Sir, I introduce the Bill.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

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

"That the Bill to amend the Child Marriage Restraint Act, 1929, as reported by the Select Committee, be taken into consideration."

I would only add that the Congress Party supports the Select Committee's Report and it would like the Bill to be immediately placed on the Statute-book.

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

"That the Bill to amend the Child Marriage Restraint Act, 1929, as reported by the Select Committee, be taken into consideration."

The Honourable Sir Nripendra Sircar (Law Member): I think at the outset I should express the deep regret of the Government that this House will not have the assistance of a lady Member on this occasion. I need not refer to the reasons which have prevented her from coming but the fact remains that we made all arrangements, and acceded to the request that a certain lady Member may be nominated. Those arrangements were all made but circumstances prevented her from joining us here today.

Sir, on the last occasion when my Honourable friend, Mr. Bajoria, who was, if I may say so, the leading and possibly the sole Member of the Opposition who made his voice felt, was speaking, I thought that he was really representing the whole Marwari Community. I received a rude shock when I got two telegrams. One telegram is from the Marwari Trades Association. In their Resolution, contained in the telegram, they say:

"This general meeting of the Marwari Trades Association heartily support the Bill of Mr. B. Das to amend the Sarda Act as it has emerged from the Select Committee, as, in the opinion of this Association it is absolutely necessary to pass this Bill to prohibit early marriages which are being celebrated in a large number throughout India in spite of the Sarda Act. This Association further declares that the bulk of the Marwari community are strongly in favour of this Bill."

(Cries of "Hear, hear".)

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): It is a mushroom association.

The Honourable Sir Nripendra Sircar: Well, I do not know if it is a case of a mushroom association against a mushroom individual. The telegram goes on to say:

"And the individual view recently expressed in the Assembly in the name of the Marwari community is not representative."

This is not the unkindest cut of all so far as the Marwari community is concerned, because it appears that the Marwari ladies had a meeting. I do not know whether the word "mushroom" can be applied to these ladies but the Marwari ladies passed a resolution in which they disowned the views expressed in this House by my Honourable friend, Mr. Bajoria. I have not the slightest doubt that my friend sincerely feels what he expresses but, at the same time, we are not prepared to accept that view as the view generally held by the community, although I would like to add what was made perfectly clear by the Honourable Member on the

last occasion that the respective strengths in this House, namely, two against 143, do not represent the respective strengths outside the House and we are well aware that there is a considerable body of opinion which does not like the Sarda Act. We are not, however, starting on a clean slate. We have got to accept the Sarda Act which was passed by this House and the only question is whether it should be allowed to be made a farce of or some real good is going to be done by that Act.

About the changes in the Select Committee, there is one matter to which I should draw the attention of the House, because the attitude of the Government ought to be expressed at the earliest opportunity. I refer to the suggestion which has been made and which is incorporated in four of the amendments which have been notified—although I am not sure whether they will be moved—that in emergent cases injunctions may be issued without notice to the opposite side. Sir, to that the Government of India have the strongest objection. It is all very well to say that this right of *ex parte* injunctions will be allowed only in emergent cases. But those who are familiar with the Courts know what they mean. Just as in cases of arrest without notice, it means possibly an affidavit from the village barber that he has come to know that a marriage is going to be celebrated tomorrow. He may have kept quiet for a month and he comes at the last moment and puts in an affidavit and an *ex parte* injunction is issued. I would also ask the House to realize what may happen. A man possibly belonging to the other faction—and, unfortunately, factions are not uncommon even outside this House—lays information, and just when the marriage is going to be celebrated, and after the previous ceremonies have been finished, and the bridegroom's party has arrived, there comes a piece of paper which says, "stop the marriage". Now, that is a mischief which will be done to the position of the man which cannot be restored by any subsequent setting aside of the order. I doubt very much whether, in this country, marriages as a rule are celebrated swiftly and secretly. On the other hand, I should think it is common experience that for days ahead we know whether a marriage is going to take place in a house or not. If, later on, it appears that hundreds of marriages in breach of this Bill have taken place simply because all of them were finished very quickly—a marriage arranged, say, in the morning and celebrated in the evening—then there would be time enough to think of this, but at the present moment, even if in some cases evasion of object of this Bill becomes permissible, that is a small matter compared to the general mischief which is likely to be caused if a power of *ex parte* injunction is allowed. That is the reason for which Government will strongly oppose any of the amendments if they are moved for allowing *ex parte* injunctions to be issued by the magistrates. I think I ought to remind the House of what I have said just now that, if it so happens—and I expect it will not happen—that it is proved to the satisfaction of the Government that in a very large number of cases this mischief could not be prevented because the marriage was secretly and quietly and swiftly done, then Government will be quite prepared to consider the matter.

One has also to remember, in connection with *ex parte* injunctions, that turning to the general law of injunctions no judge who knows his business will allow an *ex parte* injunction unless the other side is prepared to give an undertaking for damages. I am not referring to law books; if this is challenged, I have the books here. We are not

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making any provision, in case of damage done by an *ex parte* injunction, that the other man has got to pay damages. We are not introducing anything like section 95 of the Code of Civil Procedure which gives summary jurisdiction to the extent of awarding damages for one thousand rupees in cases of injunctions improperly obtained.

I should dispose of another argument which has been raised from time to time. It has been said—at any rate I was told by some Members of this House that an *ex parte* injunction creates no mischief because the man who has been served with this injunction can take upon himself to decide whether the injunction has been properly or improperly obtained, and if he is confident that the injunction was improperly obtained, then he can disobey it. That, Sir, is not the law relating to injunctions. Whether the order was erroneously passed or improperly passed, so long as it stands, it has got to be implicitly obeyed and any man taking himself the risk of disobeying that order will be liable for contempt. I am referring to injunctions issued by Civil Courts. If Honourable Members will allow me to read only two lines from a leading book on Injunctions, "Kerr on Injunctions" they will see that on page 668 the author says:

"An order for an injunction must be implicitly observed, and every diligence must be exercised to obey it to the letter. However erroneously or irregularly obtained the order must be implicitly observed so long as it exists. . ."

So that no one can take upon himself the task of deciding whether to obey it or not and of thinking: "I shall succeed in showing that injunctions were improperly obtained and therefore, I need not mind them."

I do not want to detain the House longer but there is one matter on which I would like to make some observations. I find that an amendment has been notified, I believe by my friend, Mr. Bajoria, that the mere knowledge of the injunction is not enough; unless the man has been served with the injunction, he can disobey the order even if he has knowledge. Now, there again, that is not the general law applicable to injunctions; and if I may refer to the same book at page 670, it says there:

"When an injunction has been granted restraining an act, a committal "*—that is, a committal in contempt and imprisonment—*" may be ordered where neither the order nor the minutes of the order have been served, nor any personal notice given, but the party enjoined was in Court at the time the order was made, or received notice of the order by telegram. If, indeed, a man remains in Court until the order is about to be made, he cannot, by leaving before the order is actually pronounced, avoid its consequences. It is sufficient that a man has clear notice, however given, of the order, and knew that the plaintiff intended to enforce it: and this rule is not limited to cases in which a breach is committed before there has been time for the plaintiff to get the order drawn up and entered."

Now, Sir, in the situation which will arise under this Bill, this question is of no importance whatsoever because the Bill is providing that the opposite side must be served with notice. I am presuming that if he has a good case, he can come to the Court and show cause. Is it suggested that he should attend the Court, have himself examined and also other witnesses, and then he would retire just before the order is going to be passed and possibly shut himself up in the lavatory for the next two or three days so that the order may not be served on him? I submit, so far as my Honourable friend, Mr. Bajoria, is concerned, he ought to be grateful that the Select Committee has dealt with the matter in a very generous manner. The main provision which was very

seriously objected to by the largest number of opinions was the provision for compelling the husband and the wife to remain apart and arrangements being made for separate maintenance, and so on. That has not been accepted by the Select Committee, and so far, the Select Committee has accepted the point of view of my Honourable friend, Mr. Bajoria. He has equally gained when the Select Committee decided that no injunctions should be issued without notice being given to the other side. So I hope, Sir, that although he may make his grievance as voluminous as on the last occasion, yet he will realize that the Select Committee has not been unfair in dealing with the point of view which has been pressed in this House by him. I have nothing to add and I support the motion.

Dr. Bhagavan Das (Cities of the United Provinces: Non-Muhamadan Urban): Sir, my good brother, Shri Bhuvananda Das, has kindly desired me to speak in support of his Bill. I am able to do so with sincere conviction.

The object of the Bill is to strengthen and improve the Sarda Act which has now been in force for eight years, and to make it more effective. This has been clearly indicated by the Mover in his Statement of Objects and Reasons; has been lucidly pointed out by the Honourable the Deputy President, from the Chair, and re-stated by Sir Henry Craik and Mr. N. M. Joshi, in the course of the discussions on the 10th and 16th February, 1938. Shri Baijnath Bajoria too realised this clearly, when he said: "Reformers are anxious to tighten up this machinery and so they have brought forward this Bill."

Shri Baijnath Bajoria is the principal opponent of the Bill. Personally, he is a very kind and helpful friend of mine and happens to be my next-door neighbour also in New Delhi for the time being; but on this subject we have not been able to see eye to eye so far. He would not only prevent the branches from growing but would dig out the roots also. He, therefore, attacks both this Bill and its parent stem on "religious, social, political, moral and also medical grounds" as he has himself said.

The other leading opponent may be said to be Syed Ghulam Bhik Nairang Sahib, who also objects to both the original Act and this Bill, but only on grounds of religious sentiment. He simply wishes to keep Muslims apart from the other inhabitants of this country, and outside the range of legislation, in this respect, on those grounds. He has no objection at all on merits. Instead, he indicates it plainly that the Sarda Act is in complete accord with the spirit of Islam, in regard to the desirability of maturity of age at the time of marriage.

Sir, the best and truest victory is that which converts the foe into the active friend and helper. Therefore, with your permission, I will endeavour to put forward some considerations which may perhaps win over to our side these two very able fellow Members and such others, very few apparently, as may be holding similar views.

Public opinion and legislation are always acting and re-acting upon each other. They ought to educate and influence one another healthily, in order to ameliorate increasingly the lot of the people as a whole. In discussing the propriety of strengthening an Act and providing for its better enforcement it is obviously relevant to consider why it has not worked so effectively in the past as was and is desirable; whether public opinion is really strongly against it and if so, on what grounds? If the

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grounds are strong, the opponents of the Bill may have their wish. If the grounds are weak, and created by misconceptions, exposure of those misconceptions here, in the hall of legislation, will surely help to educate healthily such sections of the public as are still labouring under those misconceptions; and will thereby promote the better operation of the Act. A brief re-thinking, and either re-affirmation, or re-negation, of the basic principles underlying the original Act as well as the measure now before the House has, therefore, been found more or less unavoidable by almost all the preceding speakers. I will follow them in this respect, but will endeavour to adduce some additional facts and arguments, if possible, in support of the Bill.

The problem of right marrying is one of the three problems to which a legislature and an executive administration that are good and wise and sincerely wish well to the people for whom and by whom they exist, would and should give the most diligent attention first and foremost. The other two are the closely connected problems of right nutrition and right education.

By right marriage alone can the racial health of the people be ensured generation after generation, as by right nutrition the individual health, and by right education, which is indeed the indispensable preliminary to the other two, the sanity, the health, of the whole society in all aspects and departments of the single as well as the collective life, through the development in sufficient numbers of healthy, strong, shapely bodies, truth-loving, tireless, well-balanced intellects, and, above all else, just, firm-willed and righteous characters, which would easily solve all the other problems that are now harassing humanity.

Unfortunately, the very clever politicians and statesmen, executives and legislators, of the most civilised nations of today, who pique themselves on their "practicality", have brought things to such a pass by that precious practicality, in every department of the life of mankind, that in the words of Mr. Stanley Baldwin, lately Premier of Britain, "the human world has become one vast madhouse", and everywhere the means are swallowing up the ends, and manufactured and artificial affairs are occupying and exhausting and wasting the energies and resources, mental, physical, and financial, of law-makers, administrators, and the public at large, to the gross neglect of those far more fundamentally important matters, right marriage and right progenition, right nutrition, right education, on which the individual and communal happiness of mankind depends radically.

It is fortunate, therefore, that Shri Bhuvananda Das' Bill has given to this Legislature an opportunity of doing something which may be more effectively helpful in one of these respects at least, by improving the quality of the married life and, therefore of the future generations to some extent throughout this country.

Comedy and corresponding tragedy of all sorts, lowest to highest, most brutal and horrible to most refined and spiritual, have always circled around sex-love and marriage, in all times and climes; and religious as well as cultural and now scientific fanaticisms have grown up in regard to them, from time to time, which my Honourable friend, Pandit Nilakantha Das, and other previous speakers have referred to, and rightly deprecated. Very large books on the Science and the Religion of Conjugal

Happiness existed in India up to some two thousand years ago, but the merest fragments are available now. All that kind of information is being slowly re-discovered, and in much fuller measure, by the admirable industry of western investigators into the sociological conditions of civilised, semi-civilised, uncivilised primitive and degenerate communities; and is being recorded in thousands of publications. But this immense mass of information has not yet been properly digested and co-ordinated, and controversies among the researchers are perennial. A trustworthy science of marriage and eugenics has not yet fully evolved in the west, which could guide the would-be legislator unerringly . . .

Mr. President (The Honourable Sir Abdur Rahim): I must remind the Honourable Member that the principle of the Bill has already been accepted: and that is not under discussion now. Therefore, the Honourable Member has got to address himself to the Report of the Select Committee regarding the clauses.

Dr. Bhagavan Das: Thank you, Sir. Yet, some broad and unmistakable facts are available. And India's traditional views on the subject can also give us some help in coming to right conclusions on the question before us, if we care to utilise them.

Mr. President (The Honourable Sir Abdur Rahim): I must again remind the Honourable Member that all this is not relevant at this stage.

Dr. Bhagavan Das: Sir, I am trying to rebut the arguments of the opponents.

Mr. President (The Honourable Sir Abdur Rahim): That stage is gone. He must now exclusively discuss the Report of the Select Committee regarding the clauses. The Chair has got to regulate the debate. If the Honourable Member were now allowed to discuss the principles underlying the Bill, then the other side also would be entitled to discuss it and criticise it.

Dr. Bhagavan Das: I would suggest to the House that the spirit in which this subject should be treated in the Hall of Legislation is the spirit of reverent tenderness and sympathetic consultation, religious science and scientific religion for the sake of the future generations. I say religious science and scientific religion for a definite reason. On the one side religious sentiment wishes to exclude all touch of science as in the speeches of my Honourable friends, Babu Baijnath Bajoria and Syed Ghulam Bhik Nairang; on the other side, as in the speeches of some of our other colleagues, faith in science seems desirous of eschewing all contact of religion. I would plead with my Honourable friends, Syed Ghulam Bhik Nairang and Babu Baijnath Bajoria, that the religion which would scorn science, and the science that would despise religion are both equally disastrous to mankind; and that there is no real incompatibility, much less conflict, between essential unselfish religion and verified science, even as there is none between the functions of the heart and of the brain in a healthy human body.

The common ground between Mr. Bajoria and Mr. Nairang is the religious sentiment, viz., that the subject of marriage is exclusively one for religion to deal with, and we must not touch it with the profane hands of scientific secular legislation . . .

Mr. President (The Honourable Sir Abdur Rahim): I am afraid I must ask the Honourable Member not to go on discussing the general principles. It is not relevant at this stage.

Dr. Bhagavan Das: I am sorry I am not able to convince you of the relevancy of my remarks.

Mr. President (The Honourable Sir Abdur Rahim): I am afraid I shall have to ask the Honourable Member to discontinue his speech, if he wishes to discuss the question of principle now.

Dr. Bhagavan Das: Very well, I am advised that all these remarks will be relevant at the third reading.

Mr. President (The Honourable Sir Abdur Rahim): I cannot say that now.

Dr. Bhagavan Das: Then I will content myself now with simply saying that I support the motion that the Bill, as reported by the Select Committee, be taken into consideration.

Babu Baijnath Bajoria: Sir, I rise to oppose this motion. There is a proverb which says:

“Nahi bandhya vijaniyat gurvi prasav vedanam.”

That is, a barren woman has no experience of the excruciating pains of labour. Similarly ultra modern people cannot appreciate the sentiments of others who will cling to the cause of religion as the *summum bonum* of their life. No wonder, therefore, that exception will be taken to my speech in certain quarters. Sir, at the outset, I must refer to the remarks of the Honourable the Law Member, namely, about my *locus standi* or about my representative character to speak on this subject. The Honourable the Law Member said that the speech which I delivered on the last occasion did not represent the views of the community to which I belong. I would like to give the House some facts about the same. At the same time I quite agree with the Honourable the Law Member when he says that I do not represent the views of my community alone. I am here representing the views not only of my community or any particular community whatsoever, but I represent the views of millions and millions of sanatanists who hold that marriage is a sacrament and should not be interfered with by this House composed as it is. Sir, as regards the Marwari Trades Association, a resolution from which body the Honourable the Law Member just read out, I will again repeat what I said in interrupting the Honourable Member that it is a mushroom association, that it is not recognised by Government, it is not recognised by the members of our community.

An Honourable Member: Are you a member of that Association?

Babu Baijnath Bajoria: I am not a member of that Association. It is beneath my dignity to be a member of that Association. (Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members would leave it to the Chair to regulate the debate. If the Honourable Member wanders from the Bill, then it must be left to the Chair to see that he does not.

Babu Baijnath Bajoria: I am quite prepared to reply to all these interruptions, but I am only afraid that it would only prolong my speech and at the end the Honourable the President would say that I had taken too much time of the House.

I was submitting, Sir, that this Marwari Trades Association has got no representative on any local body or any representative body. They did not even send their views on the Bill when it was circulated for eliciting public opinion. This only shows that this Association was got up by a few reformers of our community, simply with a view to belittle me or rather to support the cause which my Honourable friend, Mr. B. Das' Bill propounds. They have just held a meeting and have sent this letter to the Government, and they were also kind enough to send me a copy of the resolution. They have said there that the views which I gave out in the House on the last occasion were not the views of the Marwari community. I have now got in my possession a letter from my Association—the Marwari Association—a constituency which I have the proud privilege of representing in this House and they have fully supported my views and they have fully endorsed what I said on the last occasion.

An Honourable Member: Are you the President of that Association?

Babu Baijnath Bajoria: I am proud to be the President of my Association whose former President were such leading members of my community as Sir Badri Das Goenka, the late Sir Hari Ram Goenka, Rai Bahadur Ramdeo Chokhani, and others, all of whom the Honourable the Leader of the House knows well. I would only read a few lines from a letter which has been written to me by my Association. It says:

"At a Committee meeting held on Saturday the 26th March, 1938, the Marwari Association considered Mr. B. Das' Bill and the speech delivered by Babu Baijnath Bajoria on the same in the Legislative Assembly. It was unanimously resolved that while the Committee appreciates the views expressed by Babu Baijnath Bajoria, they maintain that his views truly represent the opinion of the orthodox Hindu community in common with the Marwari community which this Association has the honour to represent. The Association therefore strongly support the views expressed by him and condemn the Bill in no uncertain terms. Thereby they are urging the Government not to create discontent in the orthodox Hindu community by allowing the Bill to become the law of the land."

Mr. Abdul Qaiyum (North-West Frontier Province: General): Was the Honourable Member present when this resolution was passed?

Babu Baijnath Bajoria: May be. It is signed by the Honorary Secretary of the Association. As regards the ladies meeting which has been referred to by the Honourable the Law Member the less said about it the better. The Honourable the Law Member has got a copy of that letter before him. I should like him to note that that letter also is from 160

Harrison Road, which is the same address as that of the Marwari Trades Association. It is evident from this that

that meeting has been arranged with a few ladies and I can say without fear of any contradiction that in that meeting there were not more than a dozen

Mr. Sham Lal (Ambala Division: Non-Muhammadan): Sir, on a point of order, I submit that the same objection applies to the speech of the Honourable Member

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is replying to what was said by the Leader of the House, that the Honourable Member was not representing the Hindu community. I understand he is going to oppose this Bill and the clauses of the Bill as reported by the Select Committee, and he is entitled to make out that in doing so he represents a community. I am not allowing any discussion of the general principle now.

Babu Baijnath Bajoria: In every community, Sir, there must be some dissentient voices. There must be some reformers; there cannot be unanimity of opinion in any community. As a matter of fact, there cannot be unanimity of opinion even in one family. When the waves of reform are sweeping over the country, you cannot expect that there will be no reformers; and everybody in the country will want to stick to the *shastras* as propounded ages ago.

Sir, as I said, I do not represent the Marwari community alone but I represent the Sanatanists. I will not tire the House by reading the various letters and telegrams which have been sent to me in appreciation of my last speech. I will read only one or two.

Mr. President (The Honourable Sir Abdur Rahim): Only if they are not lengthy documents.

Babu Baijnath Bajoria: No, Sir, telegrams cannot be lengthy. This is a telegram from Pandit Satyendra Nath Sen who was an Honourable Member of this House for several years; and he is the Secretary of the Bengal Varnashram Swarajya Sangh.

"*Re. Child Marriage Amendment Bill* Assembly members no representatives in Hindu religious matters far less a Christian lady stop Orthodox ladies resent original Act as evident by their boycott of Consent Committee stop They feel millions of mature girls rendered protectionless stop Unholy unwise policy encourages legislators to suppress facts namely increase of illegitimate births venereal and female diseases suicides as result of original Act stop Even recent Western medical view favours marriage at puberty stop Fray ruin not Hindu society exempt conscientious objectors."

I will now give only the names of some persons from whom I have received letters or telegrams. There is, firstly, Pandit Balakrishna Sharma of this city, then the Bharat Dharma Mahamandal of Benares, the Hindu Religious Association, Dindigul.

Mr. President (The Honourable Sir Abdur Rahim): I do not know how far these opinions refer to the Bill as it has emerged from the Select Committee.

Babu Baijnath Bajoria: They oppose the Bill entirely.

Mr. President (The Honourable Sir Abdur Rahim): That stage is past now. The Honourable Member must now confine himself to the Bill as it has emerged from the Select Committee.

Babu Baijnath Bajoria: Then, Sir, there is the Madras Provincial Varnashram Swaraj Sangh, and so on. In the present impact of political freedom and its consequent effect on the social fabric, we seem to be in danger of losing our heritage and our spiritual culture . . .

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member not to go into all these questions of general principle. The Honourable Member is discussing the general principle of the Bill. That has been accepted and cannot be discussed now.

Babu Baijnath Bajoria: I will read only two more lines on this.

Mr. President (The Honourable Sir Abdur Rahim): If it is not relevant even two lines cannot be allowed. The Honourable Member had a very full opportunity, and he very fully utilised that opportunity, to discuss the general principle.

Babu Baijnath Bajoria: I am not discussing the general principle. I may say that I have not the least idea of obstructing but I should like to place my views although I may be in a minority.

Mr. President (The Honourable Sir Abdur Rahim): Only on what is relevant to the motion now before the House.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, if a Member is opposed to the report of the Select Committee being taken into consideration, he has every right to advance arguments against it.

Mr. President (The Honourable Sir Abdur Rahim): When the motion for reference to the Select Committee was accepted, the principle underlying the Bill was accepted also. That is well established, and that cannot be gone into again. The Honourable Member can throw out the Bill or any clauses of the Bill; that is another matter.

Dr. Sir Ziauddin Ahmad: Sir, may I ask whether we on this side of the House are not entitled to oppose the whole thing altogether if we do not like that the Bill should be taken into consideration?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not understand what I am saying. What the Chair is trying to explain is that when the motion to refer the Bill to Select Committee was accepted the principle underlying the Bill was accepted by the House and that cannot be reopened now. The Honourable Member can oppose all the clauses or the Bill generally and vote against it. That is another matter, but there can be no fresh discussion of the general principle.

Babu Baijnath Bajoria: Very well, Sir. I shall speak as regards the opinions which have been received on the Bill as it has emerged from the Select Committee. When on the last occasion I wanted to speak about the opinions I was told that at that stage when the general principle of the Bill only was under discussion I was not to speak on the opinions; and in deference to your ruling I stopped from doing that. As to the opinions, that is an important matter upon which I should like to dilate at some length so that I might try to change the opinions of my friends on my left and also on my right even at this stage. Scanning the opinions what I find is that educated and advanced opinion, by which I mean those who have had western education of a high degree like graduates and lawyers,

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etc. (An Honourable Member: "You are yourself speaking in a Western language.") I will be much more at home if I were allowed to speak in Hindustani. I think those who are imbued with western ideas, who have received western education, who have got advanced views, who want to copy western civilisation.—I mean British civilisation,—marriage laws and customs obtaining in European countries, only these are in favour of this Bill. But those, Sir, who consider that we must preserve our Hindu civilisation, who want to preserve the civilisation that is propounded in the Shastras, who want to perform marriages as we have been performing them

Mr. President (The Honourable Sir Abdur Rahim): Now the Honourable Member is really harping on the same point. I must ask him not to go back to the Sarda Act. The Honourable Member should remember that he must confine himself to the motion before the House.

Babu Baijnath Bajoria: Can I quote those who are opposed to the injunction clause?

Mr. President (The Honourable Sir Abdur Rahim): Of course, when we come to that.

Babu Baijnath Bajoria: I am making a general discussion.

Mr. President (The Honourable Sir Abdur Rahim): You cannot.

Mr. M. S. Aney (Berar: Non-Muhammadian): May I just inquire what kind of discussion you expect?

Mr. President (The Honourable Sir Abdur Rahim): On the motion which is before this House. The motion is that the Report of the Select Committee be taken into consideration.

Mr. M. S. Aney: A general discussion should be allowed on the principles which are retained in the report: if a discussion on these clauses be taboo, then I believe no general discussion is possible.

Mr. President (The Honourable Sir Abdur Rahim): No, the general discussion will be on the Bill as reported by the Select Committee. When the motion was accepted for a reference to the Select Committee the general principle underlying the Bill was accepted by the House, and that cannot be reopened now. Now what is left to the House is to consider the Report of the Select Committee and deal with the principles underlying the clauses.

Mr. M. S. Aney: Would it not mean that the clauses that are retained in a modified form are open to discussion?

Mr. President (The Honourable Sir Abdur Rahim): Certainly, they are open to discussion, you can say whatever is relevant in a discussion of these clauses.

Babu Baijnath Bajoria: That is what I am doing: I have to refer to clauses and then to speak: that is what I understand. Sir, I would

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is going to discuss the clauses in detail: because he has given notice of amendments he will have to discuss them over again. That cannot be allowed. That the Honourable Member must remember.

Babu Baijnath Bajoria: My idea was that I could speak on the clauses in question, on the amendments which I have given notice of, and the general clauses.

Mr. President (The Honourable Sir Abdur Rahim): But not to repeat.

Babu Baijnath Bajoria: At the present moment I intended to confine myself to general observations on the Bill as modified.

Mr. President (The Honourable Sir Abdur Rahim): You can discuss the principles underlying the clauses.

Babu Baijnath Bajoria: I will. I think I can say some words about those who were opposed to the Bill and to the clauses.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member really wishes to go back to the general principles of the Sarda Act itself.

Babu Baijnath Bajoria: No, I am not going back. I will say this—that this Bill, even as it has emerged from the Select Committee has got very little following in this country. By a mathematical calculation I am trying to prove, and I will prove, with your kind permission, that only a very small, negligible percentage of the population in this country really want this change, want the Bill even as it has emerged from the Select Committee.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): The majority of the Mussalmans are with you.

Babu Baijnath Bajoria: Thank you.

Mr. Abdul Qaiyum: You are in good company.

Babu Baijnath Bajoria: That was why I was just trying to prove that the majority of the people of this country do not want this Bill. That is why I referred only to educated classes.

Mr. President (The Honourable Sir Abdur Rahim): Again the Honourable Member is repeating. I shall have to ask him to discontinue his speech.

Babu Baijnath Bajoria: Now that the privilege has been denied to me of speaking in detail I will just mention the names of those associations which are totally against all the clauses of this Bill, and if you will kindly allow, I will read a few extracts from some of them. First, Sanatana Dharma Sabha, Kohat: it is on page 2, the Commissioner of Berar Division, Central Provinces, the Accountant General, Central Provinces, Sanatana Vaidik Sabha, Surat. I would like to read a few words from the memorandum of Sanatana Vaidik Sabha, Surat. This association strongly opposes the Child Marriage Amendment Bill and regards it as a flagrant interference with the religious liberty of the Hindus

Mr. President (The Honourable Sir Abdur Rahim): All that is really a repetition. If the Honourable Member convinces me that he cannot speak on this motion without repeating himself in this way and without making his speech relevant to the motion before the House, then I will ask him to discontinue his speech.

Babu Baijnath Bajoria: I do not want either to repeat or to be asked to stop, but I want to say something if you will kindly allow me. Then there is the All-India Varnashrama Swaraja Sangha.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really defying the ruling of the Chair, and I must ask him not to continue his speech in that way. What he is talking is irrelevant, and he cannot go on repeating that sort of argument.

Babu Baijnath Bajoria: May I know if I cannot even mention the names of associations which are opposed to this Bill *in toto*?

Mr. President (The Honourable Sir Abdur Rahim): I must ask him not to discuss the general principle.

Babu Baijnath Bajoria: Then I will not do it. At the last time when I spoke the Honourable the Home Member admitted that 1,200 telegrams were received against this Bill and numerous petitions also, but still he said they represented a minority. I would like to know from him if that is the view of a minority, how many telegrams and how many petitions were received in support of this Bill? I would like to have that information. I would even go to the length of saying that this Bill has not been drafted by Mr. B. Das, he is merely a Shikhandi.

Honourable Members: What does it mean?

Babu Baijnath Bajoria: Mr. Bhagavan Das will explain to you. He is merely a tool in the hands of others.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Is it parliamentary?

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member repeat that word?

Babu Baijnath Bajoria: It has got a historical reference.

Mr. President (The Honourable Sir Abdur Rahim): That does not matter; what is its meaning?

An Honourable Member: It is a very objectionable word.

Babu Baijnath Bajoria: Shikhandi is the name of a person in the Mahabharata.

Honourable Members: Withdraw, withdraw.

The Honourable Sir Nripendra Sircar: As a piece of information in answer to your question, Sir, I wish to say that Shikhandi was a hermaphrodite who was placed in front of a warrior because the opponent would not like to touch the body or wound such a person behind whom a fighter was taking shelter. Shikhandi was used as a screen.

Mr. B. Das: I am not a hermaphrodite.

Mr. President (The Honourable Sir Abdur Rahim): It is an offensive expression and I must ask the Honourable Member to withdraw it unconditionally. Will the Honourable Member withdraw it?

Babu Baijnath Bajoria: I will, Sir, with pleasure. I have not the least intention of using any offensive word and I have withdrawn it as exception has been taken to it. I was merely saying that this Bill had its start in England

Mr. President (The Honourable Sir Abdur Rahim): All that the Honourable Member said at the stage of reference to Select Committee. He cannot repeat it now.

Babu Baijnath Bajoria: I did not

Mr. President (The Honourable Sir Abdur Rahim): Yes; I heard the Honourable Member's speech.

Babu Baijnath Bajoria: All these names were given by the Honourable the Home Member after my speech was over. I did not know these names even. The Duchess of Atholl, Lady Rathbone, Lord Lothian and others who really count—it is on account of these people that Government are supporting such a pernicious measure, because the opinion of one European of high position in England counts as much as the opinion of a million or more of us Indians. As regards those who are opposed to injunctions, I will state what I have to say on the amendment—I think I will be in order then. It has been said that I only recite the shastras. I have spoken enough about the shastras in my last speech and I do not want to repeat those things now. If it had been the case that a Hindu Government assisted by learned pandits had changed the Hindu law on the advice of those learned pandits, then I think there would have been little objection; but here this House composed as it is

Mr. President (The Honourable Sir Abdur Rahim): All that the Honourable Member has said before; I remember that perfectly well. If he cannot say anything now without repeating himself, he must close his speech.

Babu Baijnath Bajoria: I am speaking generally against the first . . .

Mr. President (The Honourable Sir Abdur Rahim): Yes: the Honourable Member has said all that: will he look up his own speech? I remember it.

Babu Baijnath Bajoria: I have got my speech: I have read it thrice

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member has misread it; that is all.

Babu Baijnath Bajoria: I wanted to have my say in as few words as possible

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member does not know how to deal with the motion, it is his own fault.

Babu Baijnath Bajoria: About the opinions I was referring to, I was going to say

Mr. President (The Honourable Sir Abdur Rahim): Order, order: The Chair has given its ruling and the Honourable Member must obey the ruling.

Babu Baijnath Bajoria: I will obey, Sir. If I am not allowed to speak anything

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not allowed to make an irrelevant speech.

Babu Baijnath Bajoria: May I deal with the clauses, Sir?

Mr. President (The Honourable Sir Abdur Rahim): I am afraid the Honourable Member is wasting the time of the House.

Babu Baijnath Bajoria: If I am not allowed to speak, then I am sorry I must sit down.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Sir, I do not want to make a speech. It is, however, my duty just to make a statement on my own behalf and on behalf of the Muslim Members who think with me and on behalf of a very large number of Muslims outside. We have nothing whatever to do with this Bill. We have said it before—I think Mr. Nairang made it clear last time—and I want to make it clear that the remedy for the disease does not apply to us as we do not suffer from this malady. Unfortunately the Sarda Act which has been called by the Muslim public practically unanimously as a “Tauq Laanat”—a “necklace of damnation” and we are shortly going to introduce a Bill that Muslims should be exempted

from it. We do not marry young, though we marry at a fairly early and proper age; and if an average age of marriage is taken even in this House about the marriage date of every Muslim Member and of every Hindu member and an average is struck, it will be found that the average age of Muslim Members was about 20 years at the time of the marriage. We want our youths, to marry early, as we do not want them to go bad; and we have no child widows and when we have young widows we can marry them, so that the problem does not exist among us. There is no one who can force a reform on us; but I do not want to say anything that might hurt anybody else's feeling: if the Hindu community want the reform, by all means let them have it and they will have our sympathy. But to force a thing on people who do not want it, is not, I think, fair or correct. If the law of Islam allows us a certain reform to be put on the Statute-book of this country we are perfectly capable of putting a Bill of our own

Mr. M. S. Aney: On a point of order, Sir, is this all in order now?

Mr. President (The Honourable Sir Abdur Rahim): I do not know what the Honourable Member is saying; he said he wanted merely to make a statement: I do not know if he has given notice of any amendment that this Bill should not apply to Muslims

Maulana Shaukat Ali: I am told that a Bill is coming on in the name of Mr. Kazmi

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member has not given notice of any such amendment, of course he can say that he is opposed to the Bill, and to the motion now before the House.

Maulana Shaukat Ali: I want to say this, Sir, that we want to take no part in this discussion one way or the other. We are shortly going to put in an amending Bill of our own to free us from the Sarda Act, and, therefore, I want to say that we have absolutely nothing to do with this Bill one way or the other.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh Muhammadan Rural): Mr. President, when the Sarda Bill was introduced in 1928, I opposed it tooth and nail.....(Interruption.); it has become very unseemly that Members who do not agree should interrupt from the very beginning: it is not fair; we have given a very patient hearing to the other side, and these interruptions make me forget my line of thought (Interruption.)

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members should not interrupt.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): It is the prerogative of the Chair, not of any Member of the House: he is casting reflection on the House, Sir.

Mr. President (The Honourable Sir Abdur Rahim): I did not quite follow that he was casting any reflection on the House

Sir Abdul Halim Ghuznavi: Sir, I opposed that measure because firstly, so far as the Muslims are concerned they feel that it is interfering with their religion. So far as the Sanatanist Hindus are concerned they

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say exactly the same thing as we say. What I am saying is quite relevant because I want to show that this Bill helps the other Bill which we opposed—that makes this point relevant. At the time when that Bill was introduced by Mr. Sarda, what did Mr. Sarda the Great say? He introduced it for the Hindus, making it perfectly clear that because there was no child-widow marriage in the Hindu community

Mr. M. Ghiasuddin (Punjab: Landholders): On a point of order, Sir: the Honourable Member speaking on this very Act repeated exactly the same arguments word for word—the history of the Bill, what Mr. Sarda attempted to do, its being meant for Hindus only—it is all exactly repeating the same thing

Mr. President (The Honourable Sir Abdur Rahim): He is making some preliminary observations, I take it.

Sir Abdul Halim Ghuznavi: My Honourable friend is getting impatient. He does not like the truth to be told. The position at that time was that all the Ulemas in India unanimously gave *fatwas* that the Bill that is now an Act should not apply to the Muslims and there was no such thing as a child marriage in the Muslim community and, therefore, there was no necessity for a measure of that kind.

An Honourable Member: Question.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): There are more child marriages among Muslims than among Hindus.

Some Honourable Members: No, no. (Interruptions.)

Sir Abdul Halim Ghuznavi: The Sarda Act itself is a dead letter, as dead as mutton. We are now having a third edition of the Sarda Act. The Act itself was the first edition; the second edition was introduced by my Honourable friend, Mr. Lalchand Navalrai, and we are now having the third edition of the Act introduced into this House. I am glad that my Honourable friend, Mr. Abdul Qaiyum, who was on the Select Committee, made the Muslim view abundantly clear in his note of dissent where he said:

"I would be failing in my duty if I do not bring to the notice of the Government the strong feelings of the Moslems in the matter. They object to interference with the right to perform the *Nikah* ceremony. The evil of child marriage does not exist among Moslems to anything like the extent in which it is found among their Hindu compatriots. Moslem objection can be easily met by taking the *Nikah* ceremony outside the purview of this and similar Acts. No sensible Moslem would however object to consummation of marriages among minors being made penal. This is a matter for the Government to consider."

That is exactly the view of the Muslim community. Take the *Nikah* ceremony out of the purview of the Bill and there is nothing further to complain. What is the position? At the present moment how has the Act helped in preventing child marriage? Nothing whatsoever. Take the statistics. How many prosecutions since the Act came into force have taken place? Very few, and in those cases only to blackmail the rich people. Among the lower classes, where marriages are celebrated below the age prescribed by the Sarda Act, even now nobody takes any notice whatsoever. Throughout the country that is going on and all the marriages up to date, if you take statistics, are all under the age prescribed in the Sarda Act.

Mr. President (The Honourable Sir Abdur Rahim): The Sarda Act is not under discussion now. It is the amending Bill.

Sir Abdul Halim Ghuznavi: The amending Bill is to strengthen the Sarda Act. Am I not entitled to say that that Act has done nothing and, therefore, this amendment is not good and should be thrown out

The Honourable Sir Nripendra Sircar: The ruling was just to the contrary when Mr. Bajoria was speaking.

Mr. President (The Honourable Sir Abdur Rahim): Nobody seems to be inclined to discuss the motion on its merits. However, I must ask Honourable Members to confine themselves to the motion before the House and not to go into a general discussion of the Sarda Act.

Sir Abdul Halim Ghuznavi: This is an amendment of the Sarda Act and wants to strengthen that Act itself. Am I not right to show . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can discuss those provisions which are now before the House. If he discusses those provisions there is no objection.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): That is exactly his point. His point is this, that the Sarda Act itself is a dead letter and he is opposed to its amendment.

Mr. President (The Honourable Sir Abdur Rahim): So far as that is concerned, that is a different question. •

Mr. M. A. Jinnah: He can show that the Sarda Act has become useless and it is waste of paper now to seek to amend that Act and pass this amendment.

Mr. President (The Honourable Sir Abdur Rahim): If his case is that these provisions will be futile in order to carry out the policy of the Act, that is another matter. He can address himself to the point in that way.

Sir Abdul Halim Ghuznavi: That is exactly my point that it will be futile, it will be a dead letter. If you take the statistics you will find that the few cases that were started were started with a view to blackmail the rich people. Not one poor man has yet been prosecuted throughout India. I challenge. (*An Honourable Member*: "Question".) Question without statistics! What is the next position? The next position is this. We find from the records of the cases that the man gets a summons for celebrating a marriage in alleged breach of the provisions of the Sarda Act, but it is settled as soon as the person, who has filed the complaint and made a deposit of Rs. 100, gets the blackmail which he wanted. Just before the Sarda Act came into force thousands and thousands of marriages had taken place in India because they thought that they would be prosecuted under the Act and the *sowcars* made a lot of money because in every village throughout India there was no other talk but about marriage and marriage and marriage. Most of the marriages had been finished before the Act came into force. After the Act came into force what are they doing now? Everybody knows that there is a real age and there is an official age. When a school boy goes to school, in ninety cases out of hundred there is a real age and there is a school age. When the girl's age is really 11, they say it is 14 and celebrate the marriage. Who is going to find out whether it is 11 or

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14? (*An Honourable Member*: "What about birth registers?") The same thing happens in the case of men also. Therefore, it is a dead letter, nobody takes any notice of the Act. Why did you put in Mr. Lalchand Navalrai's Bill on the Statute-book, and why is this third edition? What is the use?

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): You will see the results now.

Sir Abdul Halim Ghuznavi: I have not seen any result so far.

Mr. Lalchand Navalrai: You will see it now.

Sir Abdul Halim Ghuznavi: Where British vested interests are concerned, every effort is made to throttle, to kill the measure. But look at what is done here. Today is an official day, and not a non-official day. Every resource of the Government is placed at the disposal of my Honourable friend, Mr. B. Das, the lucky Member of this House, to get through this Bill, by hook or by crook, in this Session, because one does not know whether the Assembly will be extended or not and he wants to have this Bill put on the Statute-book before the end of this Session. But in the case of a measure which affects British vested interests *vis a vis* the Indian interests, everything that lies in their power will be done in the House to throttle it, to obstruct it and to prevent that being made into law.

Mr. Lalchand Navalrai: On a point of order. Are such expressions against the Government allowed?

Sir Abdul Halim Ghuznavi: The Bill that was introduced by my friend, Mr. B. Das, is a different Bill from that which has emerged from the Select Committee. There is nothing left of his Bill at all. Whatever Mr. B. Das wanted to achieve has been wiped out completely. (*An Honourable Member*: "Then why are you talking?") Even then I am in duty bound to oppose the Act and all amendments and as a Muslim I am opposed even to the little that is left of that Bill. It does apply to Muslims and Sanatanist who feel that it hurts their religion. Let it apply to those who feel that it does not affect religion, not to us. I will discuss at length when the amendments of my friend, Mr. Bajoria, will be taken into consideration. Generally, I say it is a pure waste of time for this House to consider this Bill, because after it has emerged from the Select Committee, there is nothing left of it, excepting one clause which I shall discuss. It should be eliminated because its effect will be nil. The original Bill is a dead letter, the second edition is a dead letter and the third edition will also be a dead letter.

Then, Sir, there is one point which I should like to discuss before I go to details. That is in clause 12 of the Bill; clause 12 says:

"Notwithstanding anything to the contrary contained in this Act, the Court may, if satisfied from information laid before it through a complaint or otherwise . . ."

What is the meaning of the words "or otherwise". It will inflict great hardship. Is it meant that action will be taken on police information. If that is so, there will be no end to cases of blackmail. This is a

very wide term which will give a weapon in the hands of unscrupulous people to do exactly what they want, namely, to blackmail the richer men. We are all agreed that there shall be no child marriages. This is not the way to achieve your object. Your object cannot be achieved by legislation. That is the point. By all means preach to the masses, educate them. Make them understand. Therefore, I oppose the measure as it has emerged from the Select Committee.

Mr. F. E. James (Madras : European): I feel that I owe it to the House to explain the circumstances under which we have been associated with the Select Committee and in which I appended my signature to its Report. In the past Englishmen have generally stood aloof from great social questions which profoundly affect religious convictions. Indeed, we have been charged on more than one occasion of being indifferent to many of the great social questions in India because of the association of long standing habits and customs with deep-seated and deep-rooted religious beliefs. On this occasion I was specifically asked by my Honourable friend, Mr. B. Das, whether I would serve on this Committee and, after discussion with my colleagues, we decided that my name should go forward. Speaking for myself I went on to the Select Committee because I was invited to do so by those who had this measure at heart; for, I wish my friends to understand that the policy of non-intervention which we always follow in these matters must not be interpreted to mean complete indifference to the problems in the life of a people of a country in which so many of us have made our homes. I recognise fully, in fact we all recognise fully, that on matters like this there is room for deep and honest difference of opinion. I cannot withhold my admiration from my Honourable friend, Mr. Bajoria, for the courage and persistence with which he has placed his views before this House, and I would appeal to the House to recognise both the courage and the honesty of those views and give my friend and those who think with him every opportunity to place their views before it. That is after all his elementary right, as it is our elementary duty to allow him to exercise that right. It is true that these questions of social reform cannot be solved by any others than the people of this country. But we would be false, in my opinion, to those whom we represent here if we did not indicate from time to time our deep interest in some of these problems. We cannot perhaps be expected to take a very active or controversial part, but wherever our help is asked for we shall endeavour to give it to the best of our ability. I hope the House will recognise that it was in that spirit that I went on to the Select Committee and it is in that spirit that I signed the Report.

One final word. If Honourable Members will look at the Report of the Select Committee itself and the Minutes of Dissent they will recognise that this Bill represents a middle path between two contending forces. There are those who want to go much further and much faster than the Bill at present proposes to go. There are those who believe that the Bill goes too far in procedure. That represents after all the age-long difference between those who believe in reform by rapid stages and those who believe in what was once called in the House of Lords: "the inevitability of gradualness". This Bill takes the middle course and I would remind my Honourable friends that in doing so it merely endeavours to provide the machinery whereby the principle which this House accepted on a previous occasion can be effectively put into force. It was difficult at times for me to decide which side I should join in the Select Committee, but my infallible test—a test which I applied to all my actions in that Committee—was to find out the reactions of the Honourable the Law Member, as I believe that in

[Mr. F. E. James.]

following his lead in this matter, I was following a fairly safe guide,—for I have always understood, whatever his views upon social reforms may be, that the Honourable the Law Member is always regarded by his fellow-Hindus as a Hindu *par excellence*. I believe, Sir, that the House which is interested in this measure, owes a very great debt of gratitude to the Honourable the Law Member, and, as far as the succeeding discussions go on this Bill and on the Select Committee Report, I, and I believe my colleagues also, will continue to follow his lead and stand by the Report of the Select Committee.

Sir Muhammad Yamin Khan (Agra Division: Muhamnadan Rural): Sir, certainly there is a great deal of divergence of opinion on this Bill, but at least we find that there is unanimity in the country and in this House upon one point and that is that, whatever is criminal outside the marital relations must be made penal when the same thing is done under marital relations. That is what was greatly wanted and that was the motive which Mr. Harbilas Sarda had when he brought forward his famous Bill. Whatever can be called rape under the penal code, that should not be allowed when the two persons meet together under the same ages as husband and wife.

Sir, apart from this there is at least one thing on which I drew the attention of the House and of the Government in 1927 when the original Bill was brought before the House and it was that point which made it impossible for the Mussalmans to support the Bill. Unfortunately that point has not been touched in this House up to this moment. I am not concerned with, Sir, and I will not touch, the point where women are concerned,—where the protection of girls is concerned. I have got nothing to say upon that and I think that the law must be made in that respect penal so as to protect young wives who are sent to the houses of their husbands and they cannot now get protection. But I do not know why it was allowed to include the boys in this Bill. In England there is no law which lays down any minimum age for the boys to contract their marriages. But here in the so-called Sarda Act, which is sought to be extended further by this Bill, there is put down an age limit for the boys also, *viz.*, eighteen years. If a boy of less than eighteen years contracts a marriage, then all people concerned in that marriage will have to be dealt with according to law and they will all be criminals. I do not know what made the Government to even support this view. According to the Shariat law, it has been clearly laid down by Amir Ali that all the Ulemas of the Muslim sects—the Sunnis as well as the Shias—have laid it down that the State cannot interfere with the right of boys—and these *fatwas* were made in Baghdad when the law in force was Muslim law and the State was a Muslim State: they disallowed a Muslim State interfering in the choice of the men in marriages. A Mussalman, when he is born a male, is supposed to be a free man; he cannot be dictated to by anybody. So, Islam teaches a man to be absolutely free from every encumbrance; unless he encroaches upon the rights of others he has been given full rights; and, therefore, any interference with his rights is an encroachment which the Islamic law does not allow and which a Muslim State was not allowed to interfere with. It has been found that throughout the world the age at which a boy attains puberty is fifteen years. So it means that a boy then has got the full right to

contract a marriage, and no State should interfere in his choice. Now, this interference by the State is involved when the age of eighteen for a boy is laid down

The Honourable Sir Nripendra Sircar: I submit, Sir, that my friend has not said a single word which is not covered by the ruling which you gave during my friend Mr. Bajoria's speech. The Select Committee had nothing to do with fixing the age of eighteen or fixing the age of fourteen.

Sir Muhammad Yamin Khan: This shows that the Act has remained a dead letter, and it is also shown that the application of the main Act which this Bill seeks to extend has not been accepted. That being so, I think I am perfectly within my rights to speak on the point

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is now raising a general question, *viz.*, that the State ought not to put any restriction as to the age of a boy so far as his right to marry is concerned. As pointed out by the Leader of the House, that question does not arise out of the motion now before the House, that is to say, the Bill as reported by the Select Committee. I, therefore, hold that any discussion like this or any reference to any of the matters not reported on by the Select Committee is out of order.

Sir Muhammad Yamin Khan: I beg to submit, Sir

Mr. President (The Honourable Sir Abdur Rahim): I have given my ruling after the Honourable Member had argued his point.

Sir Muhammad Yamin Khan: What I mean is this, Sir, that the present amending Bill is going to interfere with the marriages of those boys who could avoid the application of the main law

Mr. President (The Honourable Sir Abdur Rahim): That does not arise now; that is my ruling.

Sir Muhammad Yamin Khan: I have to bow down before your ruling, Sir, in this Legislature and I have got nothing else to say excepting this that that Act, if it is extended in any manner so as to interfere with the boys, takes away our rights under the Islamic law and that that should not be allowed by the Government.

Several Honourable Members: Sir, I move that the question be now put.

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

"That the question be now put."

(At this stage, Maulana Zafar Ali Khan rose in his seat to speak.)

I am putting the question. If the Honourable Member can defeat the 1 P.M. closure, he can speak.

The question is:

"That the question be now put."

The Assembly divided:

AYES 75.

Abdul Hamid, Khan Bahadur Sir.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Ayyangar, Mr. M. Ananthasayanam.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Banerjee, Dr. P. N.
 Bewoor, Mr. G. V.
 Bhagavan Das, Dr.
 Chaliha, Mr. Kuladhar.
 Chanda, Mr. A. K.
 Chunder, Mr. N. C.
 Clow, Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat, Singh, Sardar Bahadur
 Captain.
 Das, Mr. B.
 Dashmukh, Mr. Govind V.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Gilbert, Mr. L. B.
 Govind Das, Seth.
 Griffiths, Mr. P. J.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Highet, Mr. J. C.
 Hosmani, Mr. S. K.
 Jawahar Singh, Sardar Bahadur Sardar
 Sir.
 Jodhe, Mr. K. M.
 Jogendra Singh, Sardar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Kamaluddin Ahmed, Shamsul-Ulema.
 Kushalpal Singh, Raja Bahadur.

Lalchand Navalrai, Mr.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Matthews, Mr. V. G.
 Menon, Mr. P. A.
 Metcalfe, Sir Aubrey.
 Misra, Pandit Shambhu Dayal.
 Mody, Sir H. P.
 Faliwal, Pandit Sri Krishna Dutta
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. Thirumala.
 Row, Mr. K. Sanjiva.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Sen, Rai Bahadur N. C.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Sher Muhammad Khan, Captain
 Sardar Sir.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sircar, The Honourable Sir Nripendra.
 Sivaraj, Rao Sahib N.
 Som, Mr. Suryya Kumar.
 Spence, Mr. G. H.
 Sri Prakasa, Mr.
 Stewart, The Honourable Sir Thomas.
 Subedar, Mr. Manu.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Varma, Mr. B. B.
 Walker, Mr. G. D.

NOES 22.

Abdoola Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Ashar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Bhagchand Soni, Rai Bahadur Seth.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur
 Shaikh.
 Ghulam Bhik Najrang, Syed.
 Ghuznavi, Sir Abdul Halim.

Ismail Khan, Haji Chaudhury
 Muhammad.
 Mehr Shah, Nawab Sahibzada Sir
 Sayed Muhammad.
 Murtuza Sahib Bahadur, Maulvi
 Syed.
 Rajah, Raja, Sir Vasudeva.
 Shaukat Ali, Maulana.
 Siddique Ali Khan, Khan Sahib
 Nawab.
 Umar Aly Shah, Mr.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.
 Ziauddin Ahmad, Dr. Sir.

The motion was adopted.

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

"That the Bill to amend the Child Marriage Restraint Act, 1929, as reported by the Select Committee, be taken into consideration."

The Assembly divided:

AYES 91.

Abdul Hamid, Khan Bahadur Sir.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Aikman, Mr. A.
 Auey, Mr. M. S.
 Ayyangar, Mr. M. Ananthasayanam.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Banerjee, Dr. P. N.
 Bewoor, Mr. G. V.
 Bhagavan Das, Dr.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chaliha, Mr. Kuladhar.
 Chanda, Mr. A. K.
 Chattopadhyaya, Mr. Amasendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chunder, Mr. N. C.
 Clow, Mr. A. G.
 Conran-Smith, Mr. E.
 Cruik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Dalpat, Singh, Sardar Bahadur Captain.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Deshmukh, Mr. Govind V.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Gidney, Lieut-Colonel Sir Henry.
 Gilbert, Mr. L. B.
 Govind Das, Seth.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Highet, Mr. J. C.
 Hosmani, Mr. S. K.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Jedhe, Mr. K. M.

Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Kamaluddin Ahmed, Shamsul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lalchand Navalrai, Mr.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Matthews, Mr. V. G.
 Menon, Mr. P. A.
 Metcalfe, Sir, Aubrey.
 Miller, Mr. C. C.
 Misra, Pandit Shambhu Dayal.
 Mody, Sir H. P.
 Faliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Rahman, Lieut.-Col. M. A.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. Thirumala.
 Row, Mr. K. Sanjiva.
 Santhanam, Mr. K.
 Satyamurti, Mr. S.
 Scott, Mr. J. Ramsay.
 Sen, Rai Bahadur N. C.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Sher Muhammad Khan, Captain Sardar Sir.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sircar, The Honourable Sir Nripendra-Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Som, Mr. Suryya Kumar.
 Spence, Mr. G. H.
 Sri Prakasa, Mr.
 Stewart, The Honourable Sir Thomas.
 Subedar, Mr. Manu.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Varma, Mr. B. B.
 Walker, Mr. G. D.

NOES 22.

Abdoola Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Bhagchand Soni, Raj Bahadur Seth.
 Bhattu, Mr. Nabi Baksh Illahi Baksh.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur
 Shaikh.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Sir Abdul Halim.

Ismail Khan, Haji Chaudhury
 Muhammad.
 Mehr Shah, Nawab Sahibzada Sir
 Sayed Muhammad.
 Murtoza Sahib Bahadur, Maulvi
 Syed.
 Rajah, Raja Sir Vasudeva.
 Shaukat Ali, Maulana.
 Siddique Ali Khan, Khan Sahib
 Nawab.
 Umar Aly Shah, Mr.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.
 Ziauddin Ahmad, Dr. Sir.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty-five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-five Minutes to Three of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

Mr. Deputy President (Mr. Akhil Chandra Datta): Clause 2.

Mr. K. Santhanam: I do not move my amendments to clause 2.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): Clause 4.

Babu Baijnath Bajoria: I move:

"That in clause 4 of the Bill, in the proposed section 9, for the words 'one year' the 'six months' be substituted."

Sir, I am glad that the Select Committee has deleted the proposed section 9 (1) from this Bill and has retained the present clause as in the original Act. My idea in moving this amendment is that I want that no Court shall take cognisance of any offence under this Act after the expiry of six months instead of one year. In my opinion, one year is too long a time, and it gives a long rope to the extortioners and blackmailers to bring forward suits. Those who want this reform, those who want to restrict marriages below the specified ages, and the reformist societies, should, I think, Sir, feel it their duty to be on the alert, and if there is any case, they can take action within six months—which is quite a long time—against the

offenders. Again, since the injunction clause is being inserted in this Bill, they will also have opportunities, which they do not have at the present moment, to bring to task the offenders under this Act before the celebration of marriage. So, in my opinion, six months is quite sufficient, and I think the Mover of the Bill would also accept my amendment which is a very modest one.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 4 of the Bill, in the proposed section 9, for the words 'one year' words 'six months' be substituted."

The Honourable Sir Nripendra Sircar: I oppose the amendment.

Mr. B. Das: I oppose the amendment.

Sir Abdul Halim Ghuznavi: Section 9 says that one year's time should be given to blackmailers to blackmail, and my Honourable friend, Mr. Bajoria, has proposed an amendment to it that the blackmailing time should be limited to six months instead of one year. What will be the position, Sir, if this clause stands as it is, that is, if it gives a year to blackmail if they want to do so. Take, for instance, a wealthy family who have solemnised a marriage which may be perfectly in order, the age of the girl or of the boy may be as stipulated in the Sarda Act, but nevertheless he has enemies; they can wait for one complete year before they take revenge on him, and it is only fair and reasonable that the time should be reduced as much as possible so that his enemies may not have sufficient time to consider and reconsider the position in order to blackmail him. Sir, I support my friend, Mr. Bajoria's amendment.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): I think, Sir, the amendment which has been supported by Sir Ghuznavi does not require much to be said in its favour. I only wanted to say that the time allowed should only be six months and not more. It is well known that any one who wants to bring in a complaint against a child marriage could do so much earlier than twelve months, and so this amendment is reasonable. I want to support this amendment.

The Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 4 of the Bill, in the proposed section 9, for the words 'one year' the words 'six months' be substituted."

The Assembly divided:

AYES 15.

Abdoola Haroon, Seth Haji Sir.
Aney, Mr. M. S.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagchand Soti, Rai Bahadur Seth.
Chattopadhyaya, Mr. Amarendra
Nath.
Essak Sait, Mr. H. A. Sathar H.
Ghuznavi, Sir Abdul Halim.

Malaviya, Pandit, Krishna Kant.
Rajah Raja, Sir Vasudeva.
Siddique Ali Khan, Khan Sahib
Nawab.
Som, Mr. Suryya Kumar.
Umar Aly Shah, Mr.
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr. Sir.

NOES 68.

Abdul Hamid, Khan Bahadur Sir.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Ayyangar, Mr. M. Ananthasayanam.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Chaliha, Mr. Kuladhar.
 Chanda, Mr. A. K.
 Chaudhury, Mr. Brojendra Narayan.
 Chunder, Mr. N. C.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Dalpat, Singh, Sardar Bahadur
 Captain.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Deshmukh, Mr. Govind V.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Gilbert, Mr. L. B.
 Govind Das, Seth
 Griffiths, Mr. P. J.
 Gupta, Mr. K. S.
 Hosmani, Mr. S. K.
 James, Mr. F. E.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.

Kamaluddin Ahmed, Shamsul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Mangal Singh, Sardar.
 Matthews, Mr. V. G.
 Menon, Mr. P. A.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Misra, Pandit Shambhu Dayal.
 Faliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Raghubir Narayan Singh, Choudhri.
 Rahman, Lieut.-Col. M. A.
 Ramayan Prasad, Mr.
 Rao, Mr. Thirumala.
 Row, Mr. K. Sanjiva.
 Santhanam, Mr. K.
 Scott, Mr. J. Ramsay.
 Sen, Rai Bahadur N. C.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Sher Muhammad Khan, Captain
 Sardar Sir.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sircar, The Honourable Sir Nripendra.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Spence, Mr. G. H.
 Subedar, Mr. Manu.
 Fuktankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Walker, Mr. G. D.

The motion was negatived.

Dr. Sir Ziauddin Ahmad: Sir, can I make a speech now, when you take up clause 4 as a whole?

Mr. Deputy President (Mr. Akhil Chandra Datta): Yes, the Honourable Member can speak.

Dr. Sir Ziauddin Ahmad: Sir, I rise to oppose clause 4 altogether. It is really a sporting question whether this particular Bill is a Government Bill or whether it is a non-official Bill

Mr. N. M. Joshi (Nominated Non-Official): It is a Government Bill now.

Dr. Sir Ziauddin Ahmad: That is really what I wanted to be cleared up. It is equally a sporting question whether Mr. B. Das is acting the part of Ugur or of Shikhandi—it is practically the same thing; but still that is not the point to which I would like to refer just at present. There is one definite complaint which I have to make; in the Select Committee only those particular persons who were in favour of the Bill were nominated and not those who were in opposition to it. (Interruption.) This reminds me of a story which I will relate. There was a king whose son was not chivalrous, who was very feminine in temperament. The King took the advice of a large number of his ministers as to how to make his son chivalrous. One of his ministers advised him that his son ought to read

the Shanamah. Shanamah is a book written by Firdausi and it deals with fights and the chivalrous habits of warriors. The son read the book for a long time and when he had finished it, one day the father asked him to recite some couplets from the Shanamah. There are 60,000 verses in that book, and the son recited the following couplet:

*"Maniza manam dukhte Afrasiyab
Barekha nadida tanam Aftab."*

It means:

"I am Maniza the daughter of Afrasiab; my body was not seen caked even by the Sun."

This is the only couplet which is feminine in character and all the others deal with chivalrous action. The same thing with regard to the Mover of the motion whom my Honourable friend called Shikandi and the President has not allowed the use of that word and so I shall not use that word. So he really selected one individual only out of the whole of the Muslim Members for the support of his opinion.

Mr. M. Ghiasuddin: Not one. There were three names.

Dr. Sir Ziauddin Ahmad: It is a well-known saying that the report of a committee is always written as soon as we nominate the personnel. It does not matter what the terms of reference are, but the moment the personnel is nominated the report is written.

Mr. N. M. Joshi: May I rise to a point of order? Can, on this clause, a Member discuss what has happened in the Select Committee? He could have made that speech in the consideration stage. He cannot make a speech of that kind on the motion that clause 4 stand part of the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): I should like to know what the point is that the Honourable Member wants to make.

Dr. Sir Ziauddin Ahmad: My point is this, that if any one from the Opposition had been on the Select Committee then certainly there would have been a note of dissent that this particular clause 4 should be deleted, but the Members were so selected that they said 'yes' to everything.

An Honourable Member: Why did you not move an amendment at that time?

Dr. Sir Ziauddin Ahmad: I am opposing this clause. This particular clause has been opposed by all the Muslims with a few exceptions. There are exceptions in the Marwari community and there are exceptions among the Muslim community also, but I think that it is not desirable that the Government should interfere in this matter and make it a personal question. It is all right for the Government to support if the measure is supported by a vast majority of the community for whose benefit it is intended. Had this Bill been intended only for the Hindu community, then the Government would have been perfectly justified to support it as they find that the vast majority of the Hindus are in favour of it.

Some Honourable Members: No, no.

Dr. Sir Ziauddin Ahmad: My friends say 'No'. A vast majority is not in favour. I quite agree that the vast majority in the country is not in favour though the majority in the House who say that they are representatives, rightly or wrongly, are in a majority. But it is a fact that the Muslims in this House are not in favour of the Bill and there is a feeling that it is particularly unfair on the part of the Government to make this a Party question and to give an official day for a controversial measure like this.

The Honourable Sir Nripendra Sircar: I rise to a point of order. My Honourable friend has not yet spoken anything which has the remotest bearing on clause 4. We know at all stages that some Muslims do not like the Bill, but that is not relevant to clause 4. The whole question is whether it should be six months or twelve months.

Mr. Deputy President (Mr. Akhil Chandra Datta): I do not think that the Honourable Member is relevant in all the points that he was making. The whole question is whether it should be six months or twelve months.

Dr. Sir Ziauddin Ahmad: The question now is whether clause 4 should stand at all.

Mr. Deputy President (Mr. Akhil Chandra Datta): We are concerned only with the question of time and nothing more.

Mr. M. S. Aney: And also cognisance by the Court.

Mr. Deputy President (Mr. Akhil Chandra Datta): Nevertheless I want to know what is the precise point that the Honourable Member wants to make?

Dr. Sir Ziauddin Ahmad: I am saying that the whole clause 4 should go; I am not in favour of clause 4. The amendment has already been disposed of and now I am pressing that the whole clause 4 should go.

Mr. M. S. Aney: That means that the old clause should remain—you are in support of the old clause as against the new clause which has been substituted.

Dr. Sir Ziauddin Ahmad: Had the Select Committee had representatives of different shades of opinion, the other point of view would have been discussed, but it was a one-sided Committee.

Mr. Deputy President (Mr. Akhil Chandra Datta): I do not think the Honourable Member can go into the composition of the Select Committee.

Dr. Sir Ziauddin Ahmad: I wish to press that this clause ought not to remain part of the Bill. I oppose it.

Some Honourable Members: Let the question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That clause 4 stand part of the Bill."

The Assembly divided:

AYES 80.

Abdul Hamid, Khan Bahadur Sir.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Aikman, Mr. A.
 Aney, Mr. M. S.
 Ayyangar, Mr. M. Ananthasayanam.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Banerjee, Dr. P. N.
 Bewoor, Mr. G. V.
 Bhagavan Das, Dr.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chaliha, Mr. Kuladhar.
 Chanda, Mr. A. K.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chunder, Mr. N. C.
 Clow, Mr. A. G.
 Conran-Smith, Mr. E.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Gadgil, Mr. N. V.
 Ghasiuddin, Mr. M.
 Gilbert, Mr. L. B.
 Govind Das, Seth.
 Griffiths, Mr. P. J.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Hosmani, Mr. S. K.
 James, Mr. F. E.
 Jedhe, Mr. K. M.

Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Kamaluddin Ahmed, Shamsul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Mangal Singh, Sardar.
 Matthews, Mr. V. G.
 Menon, Mr. P. A.
 Miller, Mr. C. C.
 Misra, Pandit Shambhu Dayal.
 Faliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghunir Narayan Singh, Choudhri
 Rahman, Lieut.-Col. M. A.
 Ramayan Prasad, Mr.
 Rao, Mr. Thirumala.
 Row, Mr. K. Sanjiva.
 Santhanam, Mr. K.
 Scott, Mr. J. Ramsay.
 Sen, Rai Bahadur N. C.
 Sham Lal, Mr.
 Shoodass Daga, Seth.
 Sher Muhammad Khan, Captain Sardar
 Sir.
 Singh, Mr. Gauri Shankar
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan
 Sircar, The Honourable Sir Nripendra.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Som, Mr. Suryya Kumar.
 Spence, Mr. G. H.
 Sri Prakasa, Mr.
 Stewart, The Honourable Sir Thomas.
 Subedar, Mr. Manu.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Walker, Mr. G. D.

NOES 15.

Abdoola Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdullah, Mr. H. M.
 Bajoria, Babu Baijnath.
 Bhagchand Soni, Rai Bahadur Seth.
 Essak Sait, Mr. H. A. Sathar H.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Sir Abdul Halim.

Murtuza Sahib Bahadur, Maulvi,
 Syed.
 Rajah, Raja Sir Vasudeva.
 Shaukat Ali, Maulana.
 Siddique Ali Khan, Khan Sahib
 Nawab.
 Umar Aly Shah, Mr.
 Zafar Ali Khan, Maulana.
 Ziauddin Ahmad, Dr. Sir.

The motion was adopted.

Clause 4 was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): Clause 5.

Babu Baijnath Bajoria: Sir, I move:

"That in clause 5 of the Bill, in the proposed sub-section (1) of section 11 for the words 'one hundred' the words 'two hundred and fifty' be substituted."

Sir, this is an important amendment to an important clause of this Bill. Under the present Act it is obligatory on the complainant to deposit a sum of rupees one hundred as a bond before he can file any

[Babu Baijnath Bajoria.]

suit against any contracting parties, but the Report of the Select Committee has amended this clause and has made it thus,—that it will be optional for the Court to dispense with this bond. It will be open to the Court to take this bond of one hundred or it may not take that Bond,—the Court will only have to give reasons in writing as to why it has not taken the bond. In my opinion, Sir, this bond is a very salutary provision. Here it provides against frivolous prosecutions. If any person, on a mere hearsay that such and such parties are going to perform a marriage in contravention of this Act, immediately goes to the magistrate and files a petition or a complaint, that is unfair, and now that this bond also is going to be removed to all intents and purposes, that is very hard. There may be some difference of opinion here. They may say, “well, a discretion has been given to the magistrate”; a magistrate after all is a human being; I am not making any aspersion on magistrates, but a magistrate also belongs to a certain community and he has got his own views in the matter. Sir, under the circumstances, while magistrates have their own personal views and while they have discretion, you can take it from me that a magistrate is sure to take advantage of this provision and he will, if he likes according to his own personal views, dispense with the bond.

Mr. Deputy President (Mr. Akhil Chandra Datta): But the amendment relates only to the amount and not to the optional character of the magistrate's action.

Babu Baijnath Bajoria: Sir, I wanted to cut short the time of the House by speaking in a comprehensive way . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member will now please speak on the amendment now before the House.

Babu Baijnath Bajoria: Sir, now that it is made optional, it is necessary that the amount of the bond should also be increased. (Interruptions.) The discretion is with the magistrate, and it is not that he will ask for a Rs. 250 bond from each and every complainant. Sir, I know that one hundred rupees may suffice in a village or a mufassal town but one hundred rupees, and I speak from experience about these cases in Calcutta, is a very nominal sum in the big towns; it has not got any effect whatsoever on the complainant, who is up to do any mischief against the contracting parties or who is out for harassment or blackmail of the contracting parties. So in my opinion, now that the magistrate will have the option to take the bond or not to take the bond, I think that this sum of two hundred and fifty rupees is a very modest sum, because the game is this. Here by depositing say, one hundred rupees or fifty rupees, these extortioners or blackmailers just go on making bargains with the parties. You will notice, Sir—I have not got the exact figures with me—that all the cases in connection with the Sarda Act have only been launched against the rich persons, especially in the cities. (Voices: “No, no’.) Those who say “no” will have to prove their point when their chance comes. (An Honourable Member: “You prove yours.”) Yes, I am proving, if you will listen, but will you be convinced? (A voice: “No’.) Then you better sleep. Sir, this is a very salutary provision and there must be a bond. In extreme cases, if the magistrate uses his judgment and discretion in the towns and villages, and if it is found that one hundred rupees is a big figure for the poor man, then and then only I say he will exercise his discretion; otherwise it should be his duty to insist upon this bond. In the big towns to which

I was referring—and I belong to Calcutta, the premier city of this country,—(Question, question.) Bombay people are very much perturbed when I say Calcutta, but I am not going to be cowed down by them. Sir, Calcutta is the second city in the British empire, however much my friend, Sir Homy Mody, or Dr. Deshmukh may deny that. Well, in my opinion the bogus complainant must be punished and I think there can be no two opinions about this. I am glad that my friends, Mr. Badri Dutt Pande and Mr. Abdul Qaiyum, nod "yes",—that they should be punished—but I would ask them what other penalties are provided in this Bill against bogus complainants,—certainly none. Sir, I would say that there must be this provision that the amount should be raised to Rs. 250. Further, it should be mentioned either here or somewhere else that if the complainant fails, prosecution can be launched against him under section 211 for making a false complaint. I would like to be enlightened on this point. With these few words, I commend my amendment to the acceptance of the House.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 5 of the Bill, in the proposed sub-section (1) of section 11 for the words 'one hundred' the words 'two hundred and fifty' be substituted."

Sir Abdul Halim Ghaznavi: Sir, I support the amendment moved by my Honourable friend, Mr. Bajoria. What does my friend seek by this amendment? He has pointed out that the discretion has been given to the magistrate. It is in the magistrate's discretion whether he asks the complainant to execute a bond or not. He can proceed without the execution of the bond but he will have to give the reasons. That is exactly the reason why you should have this amount raised because where he is satisfied that he should issue a process without a deposit or a bond, he can do so, but when he finds that a complainant wants to blackmail a rich party, let it be put to him that he has to put in Rs. 250 and not Rs. 100, so that he may consider twice before he decides to proceed further. (Interruptions.) Sir, we who are in a minority in this House find ourselves between the two tyrants, the Government and the Congress. Our position has become untenable in this House between these two tyrants. When these two tyrants join, we, who are in the minority, feel that we are lost. Sir, freedom of speech and freedom of talk is all bunkum here. This morning we saw what the majority can force on a minority. All that tall talk about the freedom of speech, freedom of action, personal law has vanished just as the mist vanishes with the sun-shine. So, all the declarations of rights have vanished in this House. They will not allow us to express our indignation. They try to gag us at the earliest moment possible. They will not allow us to speak as they want to carry it by force. (Interruptions.) We have to fight this battle.

Mr. N. V. Gadgil: On a point of order, Sir. The amendment is about the substitution of Rs. 250: it does not relate to freedom of action.

Mr. Deputy President (Mr. Akhil Chandra Datta): He is only protesting against the interruptions of the Honourable Members.

Sir Abdul Halim Ghuznavi: I am surprised at this point of order. I wish to speak on the amendment but you will not allow me to explain it. That is my complaint.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member will now speak on the amendment.

Sir Abdul Halim Ghuznavi: Sir, the Bill is not affected in any way whatsoever by raising the amount. It is in the discretion of the magistrate. If he finds that he should not ask for any deposit or for any bond, he can do so. Why should you not then raise the amount from Rs. 100 to Rs. 250? It is only to prevent the blackmailers that this increase in the amount is suggested. Sir, I support my friend's amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That in clause 5 of the Bill, in the proposed sub-section (1) of section 11 for the words 'one hundred' the words 'two hundred and fifty' be substituted."

(When the Division Bell was ringing.)

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): May I suggest, Sir, that you can ask those Honourable Members who are in favour of the amendment to rise in their places. Under the rules, you have got the right to do so.

Several Honourable Members: The division is frivolous: it is a mere obstruction.

(After the ringing of the Bell stopped.)

Mr. Deputy President (Mr. Akhil Chandra Datta): I think the Noes have it.

(Cries of "The Ayes have it".)

In view of the clear position of the House and in order to save the time of the House, I propose to take the division in this way, *viz.*, I shall call upon the Honourable Members who are in favour of this amendment to rise in their places.

Maulana Zafar Ali Khan: Permit me, Sir, to object to this procedure. We are not school boys who should be asked to stand up.

The Honourable Sir Nripendra Sircar: Sir, my Honourable friend is not a school boy but he knows less than a school boy about the rules. I draw his attention, possibly for the first time, to this rule:

"Votes may be taken by voices or division, and shall be taken by division if any Member so desires. The President shall determine the method of taking votes by division."

That is to say, although it is my Honourable friend's right even individually to say that there must be division, yet it is left to the discretion of the Chair in what way that division could be effected. Where there have been four successive divisions of 80:15, 68:10 and so on, I submit it is the right use of the discretion of the Chair to avoid waste of time by following the method which you have indicated.

Maulana Zafar Ali Khan: I want the Honourable Member to enlighten me on one point.

Mr. Deputy President (Mr. Akhil Chandra Datta): Nobody should get up and speak without being called by the Chair.

Sir Abdul Halim Ghuznavi: I rise to a point of order. Sir, why do we take a division?

Mr. Deputy President (Mr. Akhil Chandra Datta): If the Honourable Member is not raising a point of order, he cannot speak now.

Sir Abdul Halim Ghuznavi: I was explaining myself, Sir. We the minority want to show to the public who are the tyrants who voted against us

Mr. K. Santhanam: I rise to a point of order, Sir. The Honourable Member should withdraw the word "tyrant".

Sir Abdul Halim Ghuznavi: I withdraw that word. We want to show to the public who has voted against us and who has voted in our favour. That can only be done by going into the lobby.

Mr. Deputy President (Mr. Akhil Chandra Datta): On the point of order that has been raised, a ruling has been given. It is the inherent right of the Chair to take division in any manner it likes. I have already given my ruling and I will stick to it and in sticking to it, I must observe that the remark of the Honourable Member, Maulana Zafar Ali Khan, "that we are not school boys" is absolutely unwarranted.

Now, I will call upon those Honourable Members who are in favour of this amendment to kindly rise in their seats.

(Fifteen Members stood in support of the amendment.)

Now, I will call upon those Honourable Members who are against the amendment to rise in their places.

(A large number of Members stood up.)

I declare that the motion is negatived.

Mr. M. S. Aney: May I just submit a few remarks? Sir, you have the right to take the division in the manner you think proper. A division really means recording the names of Honourable Members on either side. That cannot be avoided. So far as I know there is nothing in the rules to show that the recording of names can be avoided. Otherwise a division has no meaning at all. A division is intended with a view to make it clear as to who is for a motion and who is against a motion. It may be settled by going into the lobbies where you can have the names recorded, or the two parties can rise in their places and their names recorded. A recording of the names is the inherent right of those who demand a division. In the present instance, I am not supporting the demand of those who have called for a division. I am only submitting the constitutional position. Whether it is a minority or a majority, it is the inherent right of the Members of the Legislature to have their votes and names recorded in the proceedings of the Legislature if they so desire whenever a division is called.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): The names should be recorded. That is the parliamentary practice.

The Honourable Sir Nripendra Sircar: Will my Honourable friend produce any authority for the statement that that is the parliamentary practice?

So far as this parliament is concerned, the rules do not require the names of both sides to be recorded. There is no such thing as inherent right of getting their names recorded. If that is the desire, you have got to get the rule changed. There is nothing in the rules which requires the names to be recorded.

Mr. M. S. Aney: May I ask the Honourable the Leader of the House under what rule the names are recorded in the lobbies at present?

The Honourable Sir Nripendra Sircar: Under no rule whatsoever.

Mr. M. S. Aney: Then it is the recognised convention.

The Honourable Sir Nripendra Sircar: My Honourable friend wants information and yet he is impatient enough not to allow me to make my submission. It is one of the convenient methods of division, namely, asking some people to go to the lobbies and have their names recorded. There is no rule or practice laying down that the names of both sides should be recorded. Otherwise these words have no meaning at all:

"Shall determine the method of taking votes by division",—
if there is only one method of taking division.

Mr. F. E. James: I do not know what the practice has been hitherto in this House. As long as I have been a Member, I do not recollect any occasion in which a division has been refused in the sense that names of those wishing to have their names recorded have not been taken down in some way or another.

Some Honourable Members: Last year, it happened.

Mr. F. E. James: I cannot myself recollect it. There may be a precedent for that. But there is ample precedent in parliamentary procedure in the House of Commons. Once a division is given, once the Speaker has said "The House will divide", the Members have a right to have their names recorded. I suggest, it is perfectly within the right of the President to refuse to give a division or call for a division, if in his judgment the number of Members calling for a division is very small. But once he has said that a division shall be called, I do submit that though the President may have different methods of taking the names than by going into the division lobby, yet it is obligatory upon the President at least to record the names. Otherwise, I do submit that one valuable right of Members to have their views recorded in the book of the Assembly will be taken away.

The Honourable Sir Nripendra Sircar: My Honourable friend is wrong. This practice has never been followed. I am referring to the "Decisions from the Chair", Vol. I, page 267:

"On the President putting a motion regarding Sir Hari Singh Gour's Hindu Trusts Validating Bill, Sir Hari Singh Gour demanded a division after the President had asked the Ayes to rise in their seats.

"The President ruled :

'I am afraid I must follow the precedent laid down by my predecessor who, in the case of a small minority of votes on one side, always decided by asking the Members to stand up in their seats'."

Mr. F. E. James: May I ask the Honourable Member with all respect whether it was not a case where the President was deciding as to whether he should grant a division. Before granting a division, he asks Honourable Members who want a division to stand up in their seats.

The Honourable Sir Nripendra Sircar: No, no.

Mr. F. E. James: Once a division is granted, the names have to be recorded.

The Honourable Sir Nripendra Sircar: Please refer to the ruling. What is the use of sticking to a mistake which you have once made.

Mr. M. Ghiasuddin: On the 1st April last year when the Congress Party absented themselves, there was a division of this sort. The Honourable Sir Abdur Rahim was in the Chair and he ruled that only the names of the minority should be recorded while they stood up in their seats. The names of the majority should not be recorded. This was his ruling.

Mr. Deputy President (Mr. Akhil Chandra Datta): There are two points involved in this question. One is as regards the method of taking a division, and the other is whether the names should be recorded or not. So far as the first point is concerned, I have already given my ruling and I have no doubt that that ruling is quite right. Then the question remains as to whether the names should be recorded or not. So far as this Honourable House is concerned, I find this is not the first occasion when this question has been raised. I find a ruling on page 131 of Vol. II of "the Decisions from the Chair", where a request for taking down the names was complied with. The ruling runs thus:

"During the debate on the adjournment motion to discuss the Communal Decision of His Majesty's Government, closure was asked for and a division was claimed on the closure motion, whereupon the President asked Members in favour of the closure to rise in their seats. It was suggested that Members should divide and go into the lobbies as Members would like to have a complete record :

The President ruled : 'As the time at our disposal is limited, I propose to adopt a different procedure on the present occasion in regard to the division which has been claimed. I will ask those who are in favour of accepting the closure to rise in their seats and I will call out their names which will be taken down by the official reporter.'

After these names had been taken down, those against the closure were asked to stand; a large number of Members standing up, the President said that it was not necessary to take down the names and declared the closure motion negatived : Mr. Ranga Iyer wanted to know who exactly were the supporters of the Communal Award as several Members were neutral :

The President ruled : "The Chair has given its ruling and has taken down what it thinks is a fair record. Nothing more will be allowed on the point'."

Therefore, as regards the first point I have already given my ruling. As regards the second point I shall, in conformity with this ruling and out of respect for the wishes of some Honourable Members, have the names of the supporters of this amendment recorded. I shall, therefore, call upon those Honourable Members to rise again in their seats.

[Mr. Akhil Chandra Datta.]

[The following Members rose in their places:

Seth Haji Sir Abdoola Haroon,

Maulvi Muhammad Abdul Ghani,

Mr. H. M. Abdullah,

Babu Baijnath Bajoria,

Rai Bahadur Seth Bhagchand Soni,

Mr. H. A. Sathar H. Essak Sait,

Syed Ghulam Bhik Nairang,

Sir Abdul Halim Ghuznavi,

Haji Chaudhury Muhammad Ismail Khan,

Maulvi Syed Murtuza Sahib Bahadur,

Raja Sir Vasudeva Rajah,

Maulana Shaukat Ali,

Khan Sahib Nawab Siddique Ali Khan,

Mr. Umar Aly Shah,

Maulana Zafar Ali Khan, and

Dr. Sir Ziauddin Ahmad.]

Mr. Deputy President (Mr. Akhil Chandra Datta): I have already declared that the motion has been negatived.

The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): Clause 6.

Babu Baijnath Bajoria: Sir, I move:

"That clause 6 of the Bill be omitted."

This is a very small amendment but it is of the greatest importance, and as a matter of fact, on it depends whether the Bill is to live or die. I will request my Honourable friends, those who do not see eye to eye with me, to give me a patient hearing and bear with me for some time so as to allow me to have my say on this important point.

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

Sir, clause 6 is the most important clause of the Bill as it has emerged from the Select Committee. This clause relates to injunctions. I appreciate the fact that the Select Committee has modified the original clause about injunctions so as to make it more practicable and reasonable. But still the very idea of injunction before marriage is repugnant to me and I do not want that injunction in any shape or form whatsoever should be issued against marriage. I should like now to tell the House what some of the important personages have said on this point of injunction and what their views are. To begin with, I will read the opinion of my own Association, the Marwari Association, on this point of injunction:

Mr. President (The Honourable Sir Abdur Rahim): Then the Honourable Member can put that forward as his own opinion, I will not allow a document like that to be read at length. The House has to form its own opinion.

Babu Baijnath Bajoria: Very well, Sir: that is my own opinion:

"Under this clause some new sections are proposed to be added as section 12. Now section 12, sub-section (1) empowers the Court to issue an injunction prohibiting a marriage in contravention of the Act, and under sub-section (2) if a person disobeys an injunction knowing that an injunction has been issued against him, he shall be punished either with imprisonment or with fine or with both. As it is a religious duty on the part of the Hindus to solemnise the marriage of girls of their families before the age of puberty, prevention of marriage in the way proposed is nothing short of interference with religion. It is wholly uncalled for as consummation never takes place until the girl attains the proper age for the purpose. My Committee fear even these penal provisions will not, as indeed they cannot, deter orthodox Hindus from celebrating the marriage of their girls in strict accordance with Shastric rules, and the result will be that many people, particularly those who have influential enemies, will have to suffer imprisonment for the sake of their religion. My Committee have yet to learn if there is a parallel to this in the laws of any other country. Apart from this, my Committee desire to point out that the prohibition of marriage by injunction will cause serious trouble, loss and social disgrace to the parties concerned. Marriage ceremony in the Hindu society has to be commenced"—

—I place great emphasis on this—

"some days before it is actually solemnised."

This has been recognised also by the Leader of the House. A marriage can only be solemnised on auspicious days specially appointed for the purpose, which are very few in a year; there are not, I think, more than 10 or 12 days in a year for marriage ceremonies.

The Honourable Sir Nripendra Sircar: No.

An Honourable Member: There are three months.

Babu Baijnath Bajoria: There may be three months, but the days for the marriage which are fixed after careful consideration by an eminent astrologer are not many. If the marriage is postponed all on a sudden by an injunction of the Court, it may mean postponement of the marriage for an indefinite period, and the expenses incurred are sure to prove a dead loss. Again it should be borne in mind that designing persons may obtain an injunction even in cases where the marriage is to be celebrated between parties who are not "children" under the law, to put their fathers and guardians to trouble and loss out of private grudge without any risk to themselves. This provision of the Bill is clearly open to abuse and is certainly most objectionable.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Astrologers will prophesy about injunctions also.

Babu Baijnath Bajoria: Yes, they will. As regards this injunction my association does not stand alone in its condemnation of it. There is the Additional District and Sessions Judge, Ajmer-Merwara, from which constituency my Honourable friend sitting on my left comes. Then again there is the Commissioner of Berar Division; there is the Government Pleader of this city, and there are many others, and if I name all of them, probably I shall be accused of obstructing the passage of this Bill.

An Honourable Member: Are they all Marwaris?

Babu Baijnath Bajoria: None of them. Last but not the least I would like to mention the Government of the United Provinces and read a few sentences only from what the United Provinces Government says:

Mr. K. Santhanam: Is it about the old section or the revised section?

Babu Baijnath Bajoria: About injunctions in general. There has been only a change in the method of issuing injunctions. This is what the United Provinces Government says:

"It is evident from the opinions received that the provisions of the Bill are likely to receive the support of a great body of educated opinion, but, like the Act itself, will be strongly opposed by the more orthodox and conservative members of both the Hindu and Muslim communities, and, also, when they come to understand it, by the uneducated masses. * * * As regards the actual provisions of the Bill I am to say that the Governor in Council is of opinion that the Court should not be empowered to take action of its own motion either to launch a prosecution or to issue an injunction, but as at present it should do so only on receipt of a complaint. It is inevitable that, if this power were to be given, the Court would be regarded by the opponents of the Act as the agent of Government, which in turn would be exposed to the charge of interfering unduly in the private affairs of the subjects and with religion and social custom. It is also questionable whether such a provision is really necessary. * * * The reasons which have led the Governor in Council to deprecate the proposal that the Court should have power to launch a prosecution *suo moto* apply with equal force as regards the issue of an injunction, and he does not consider it advisable that the Courts should be empowered to issue an injunction on its own initiative. He is also inclined to think it is inadvisable that the power of issuing an injunction should be given to the Court at all."

I will also read some extracts from the opinion of the Government Pleader of this Imperial City. This is what he says about injunctions.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not read lengthy extracts from the opinions of others.

Babu Baijnath Bajoria: I am not reading from the opinion of everybody.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has mentioned the Government Pleader.

Babu Baijnath Bajoria: A few sentences only. This is what the Government Pleader says:

"Now it cannot be denied that among Hindus preparations for the performance of the marriage ceremony are made weeks ahead if not months ahead. A marriage among Hindus is not a simple affair. Ornaments, clothes, etc., are to be prepared. Arrangements are to be made for the entertainment of *biradri* people. Sometimes, there is a feast in which several thousand persons take part. Now supposing a malicious person gives information to the magistrate a few days before the performance of the marriage and an injunction is issued upon the basis of that information, then in my opinion it will cause a great hardship. In fact I can imagine cases where even false information may be given to the magistrate a few days before the marriage and injunction is obtained."

Mr. President (The Honourable Sir Abdur Rahim): These documents are in possession of every Honourable Member.

Babu Baijnath Bajoria: But have they taken care to read them?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought not to presume that they have not read them.

Babu Baijnath Bajoria: I am reading only very small extracts. This is the most important clause in the Bill, and I think, Sir, I should have my say as long as I am relevant to the point:

"In fact I can imagine cases"

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should know that according to the practice in this House he should not read long extracts from documents which are available to every Member of the House. If the Honourable Member makes brief reference to any particular opinion which supports his view, that is another matter, but he cannot read at length from documents that are in possession of the Honourable Members.

Babu Baijnath Bajoria: I will not read. This point, Sir, relates to my amendment, about the time when the injunction should be issued. He says:

"No injunction should be issued in a case where the marriage is to take place say ten days hence. In my opinion no injunction should be issued without giving to the other party notice to show cause against it."

I am glad that the Select Committee has conceded this point:

"That is to say, the application for injunction must be filed at least six or eight weeks ahead of the marriage, and then notice must be issued to the other party to show cause against it."

This is the real point which I am coming to. First and foremost what I mean to say is, there should be no injunction, but, if, as I find, the whole of the Government and the Congress want that there must be an injunction, then there must be some time laid down. As regards the time concerned I have got an amendment, and I will speak about it when I move that amendment. I will say, Sir, that this issuing of an injunction is a nasty thing, to say the least about it. As I have already quoted, preparations for a marriage ceremony are made several days, nay, several weeks ahead before the actual ceremony takes place, and large sums of money are spent on marriages. This is the practice not only in my community, but practically in every community. When I am doing what I think is right and according to my Sastras and my religion, and if I am prepared even to undergo punishment for it, I do not understand why I should be stopped from carrying out the ordinance of my religion. I would rather press that there should be no injunction; considering the economic condition of this country also such injunctions ought not to be issued, because expenses have already been incurred before the actual date of the marriage. Then these people who want to carry on blackmailing and harassment and extortion will wait till the last moment and then get this injunction issued a few days before the marriage—a day or two before. That means that it will be vexatious and the parties will be put in a very uncomfortable position . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got an amendment as regards the time—No. 9 on the list.

Babu Baijnath Bajoria: My opinion is that this clause should be deleted altogether.

I would like to say, Sir, that we are not getting any replies to our arguments either from the Government or from the Congress Benches: even the Mover of the Bill moved his Bill without a speech. I am very sorry that the Congress Party have gagged their members and have prohibited them from speaking by methods worse than the Indian Press Securities Act and the Criminal Law Amendment Act. I would rather like that there should be frank discussion—you must hear both sides so that we may be able to decide what is good and what is bad; it is no use sitting here like dumb cattle, and I would request that our arguments may be refuted; if that is not done, then I will say that it is the tyranny of the majority

[Babu Baijnath Bajoria.]

and I would request the Honourable the Leader of the House that he will justify why injunction has to be issued. With these words, I would request the Members to accept my amendment, if they have got any sense of propriety in them.

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

"That clause 6 of the Bill be omitted."

The Honourable Sir Nripendra Sircar: Sir, on the present occasion it is not a question of tyranny of the majority but a question of tyranny of the minority. My Honourable friend tells me that we are not advancing any arguments. May I remind him that we are not following his example of repeating the same arguments at all stages although at some stages some of the arguments are irrelevant. As regards the necessity for this injunction, has it not been said by many speakers both from these Benches and from the Congress Benches that if you are going to have the Sarda Act, which one has got to take as a hard fact whether you like it or not, then would you allow a crime to be committed and not take any steps for the prevention of the crime? Were not these arguments used over and over again? My Honourable friend wants that in respect of every minute amendment every one should repeat the arguments which have been advanced on previous occasions.

Then, my Honourable friend said "Is there any parallel in any country of issuing injunctions for preventing marriages? No." But is there any parallel in any country of hundreds of child widows below one, and of thousands of child widows below 4? If the situation is unparalleled, then unparalleled remedies are wanted. That is my answer. Then my friend said "What is the good of an injunction if for the sake of my religion I am prepared to suffer one year's rigorous imprisonment for having a marriage performed?" My answer to that is this: if, for the sake of your religion you are prepared to suffer 12 months, let your religious feeling be a bit stronger and suffer 12 months plus three months for the sake of the injunction: we do no harm to your religion. I submit that it is not right that we should be expected to repeat the same arguments over and over again at every stage of these amendments, and I very strongly oppose this amendment. If this amendment is carried, the Bill may be dropped altogether. There is no object in wasting time over this Bill if this amendment is carried.

Honourable Members: The question may now be put.

Sir Abdul Halim Ghuznavi: Sir, I support my Honourable friend. Mr. Bajoria, that clause 6 of the Bill be omitted. This clause is the injunction clause. It is a very serious matter

The Honourable Sir Nripendra Sircar: It is serious: it is not meant to be a joke.

Sir Abdul Halim Ghuznavi: It is very serious. For instance, suppose there is a marriage in my family. Although I may not have violated the Sarda Act my enemy goes to Court—the marriage is fixed for tomorrow—and at the last moment gets the Court to issue an injunction

The Honourable Sir Nripendra Sircar: He cannot do it. My Honourable friend has not read the Bill as it has emerged from the Select Committee. That cannot be done.

Sir Abdul Halim Ghuznavi: It may be done in the sense that the Court will ask him to prove

The Honourable Sir Nripendra Sircar: No, no. May I make an observation? Sir, it will do no harm to my friend if he will once read the Bill.

Sir Abdul Halim Ghuznavi: A notice will be issued. What is there to prevent that notice not reaching me? Every day it happens. A summons is issued and that summons does not reach the person to whom it has been issued. That trick may be played by my enemies. I cannot get that notice; therefore, I shall not be able to appear before the Court and defend myself. The marriage will be over and I shall be hauled up for disobeying the order of the Court. Then as my Honourable friend, the Leader of the House, said, I shall have to Court, for the sake of my religion, 15 months imprisonment instead of three months.

The Honourable Sir Nripendra Sircar: No, no. That is not what I said at all. On the facts given, the person will say "I never received notice of this injunction". That is all.

Sir Abdul Halim Ghuznavi: But supposing I did not receive that notice: that is always the case

The Honourable Sir Nripendra Sircar: I cannot perform a surgical operation. Short of that my friend will not be able to understand the matter.

Sir Abdul Halim Ghuznavi: Sir, in the Courts it has always been found that the defendant comes before the Court and says "I have not received the summons". After the decree had been passed, when he finds that he was not in Court, he goes to put in his defence that the summons was not served on him and therefore the decree was *ex parte* and it will be exactly the same case. The whole thing will go by default and I shall be hauled before the Court to prove why I did not attend and why I did not obey the orders of the Court. Therefore, I feel that the clause should be omitted altogether.

Some Honourable Members: Let the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 6 of the Bill be omitted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member (Mr. Bajoria) wishes to move any other amendment he must rise in his place.

Babu Baijnath Bajoria: Sir, I move:

"That in clause 6 of the Bill, in sub-section (1) of the proposed section 12 the words 'or otherwise' be omitted."

I am very serious about this amendment. I would read one line from the present clause as it is.

"... the Court may, if satisfied from information laid before it through a complaint or otherwise... issue an injunction. . . ."

I should like that the words "or otherwise" should be omitted. Not being a lawyer myself I do not quite understand the full implications of these words.

An Honourable Member: That is our regret."

Babu Baijnath Bajoria: That is my regret too; otherwise I would have dealt with it in a better way. If a complainant makes a complaint before the magistrate that such and such parties are going to have a marriage in contravention of the Act, then the magistrate will give notice and after hearing the parties he will issue an injunction. But what is meant by the words "or otherwise"? I rather suspect that this empowers the police to come in. Besides a complainant, who can be any other person who will move the Court and ask that a notice should be issued preparatory to an injunction? If there is a society, the secretary of the society will make the complaint against the parties, but the inference from the inclusion of these words is, that if anybody comes and approaches the Court and informs it, here is a marriage which is going to be performed, the Court may issue notice and hear objections and then issue an injunction. But what is more likely to happen is that the police officers or the police constables and such like inferior grade of police staff will try to make capital out of these words. They will go to the parties and say, "Here it is. I am going to make a complaint against you". The police officer takes the complaint before the Court whether it is a *bona-fide* complaint or a *mala-fide* complaint, and the Courts are generally prejudiced in favour of the police complaint. By inserting section 9 (1) it was designed, in the original Bill in clause (3), that a similar provision should be introduced for the filing of a suit proper and the Select Committee have omitted that portion. They have not given power to launch proceedings to the Court or to the police. Then why have they retained this power only in the case of an injunction? I fail to understand the reason. When they have not got the substantive power of making a complaint and making it more or less a cognizable offence, I would like to have some light on the point why there should be this power for the purpose of having an injunction issued against the parties. I think it is most unwise and unjust and inequitable to give such powers in the hands of the police. Even though the Congress may be in power in seven provinces. . . . (*An Honourable Member:* "Eight")—not yet eight, still I think neither they nor ourselves have got any confidence in the police in regard to such matters. We do not want them to interfere in private matters. If a complaint is properly made, then, of course, the Court will decide the case on its merits. I appeal to the Government to take a more reasonable attitude and to agree to the deletion of these two words "or otherwise".

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

"That in clause 6 of the Bill, in sub-section (1) of the proposed section 12 the words 'or otherwise' be omitted."

Mr. M. S. Aney: Sir, I also find some difficulty in understanding the precise implication of these words "or otherwise". Of course, the complaint is there, and the magistrate, if satisfied on information given by the complainant, will be justified in issuing an injunction. I can understand that because there is some source for the magistrate to get that information verified by examining the complainant or in some other way. But when the words "or otherwise" are introduced, it may even widen the scope of getting the information to such an extent that a letter sent by somebody through post and received by the Court may also become a source of information on which some magistrates may feel themselves satisfied. Or this, at any rate, gives the right to persons who are not complainants to go and interfere with the prosecution at a certain stage without taking upon themselves the responsibility of becoming the complainants themselves.

An Honourable Member: Mischief-mongers will do that.

Mr. M. S. Aney: I do not want to use any such words. It may be that complaint is made by one man and a police constable who may be making some enquiries independently may come and supply the Court with the information and the Court may on that information act. That is also possible by the retention of these words. I think this is rather making the thing more indefinite, but if there is something else which the members of the Select Committee had in view which I have not been able exactly to understand, but which can be accomplished only if these words are retained, I am open to conviction. But so far as I see, these words are likely to widen the scope of the sphere from which information can be had by the Court and I am very much apprehensive that the Court may be inclined to act on information which it may not be possible for it to get even properly verified. Such a possibility should be removed from the Court and I believe that information must be confined to coming from the party who has made the complaint. If it is confined to that, the Court will be in a better position to judge whether the information is correct or not and issue an injunction. The power which we have given to the Court is a very important one and we should realise the importance of a remedy like injunction in a matter like this. As the Honourable the Leader of the House has rightly put, if we have made a particular thing a crime, it is necessary for us to see that that is not committed with impunity, and some preventive measures there should be. From that point of view I realise the importance of having some provision for injunction there, but whether we should allow the source of information to be so indefinite as it has been made on account of the retention of the words "or otherwise" that is the point which I have placed before the House for its serious consideration.

The Honourable Sir Nripendra Sircar: I am glad that Mr. Aney has put that question because it enables me to explain why this very useful change has been made. It is intended to widen the scope of the information but not to the dangerous extent of which my friend is apprehensive. My Honourable friend will notice that the words are, "The Court may, if satisfied from information laid before it". That is to say, there the Court has got to discharge its judicial duty of deciding whether a certain

[Sir Nripendra Sircar.]

information given to it is *prima facie* reliable or not. It is not bound or likely to act on any anonymous letter which may be sent to it. I would ask my friend to think of 191C of the Criminal Procedure Code where the magistrate acts on his own motion. It may be a murder case, it may be a theft case or it may be a case of serious assault. It may be any case. How does he move? If he has got information which he thinks is reliable, then proceedings are started. We are following only that course. It is not that every bit of information will be seized upon by him for at once issuing a process. The conscience of the magistrate intervenes between the issue of the process and the receipt of the information.

Then, Sir, Mr. Bajoria inquired what is meant by "or otherwise". The words are very wide in their meaning. It does not mean only the police. It may be anybody who gives the information to the magistrate; but, in each case, whether it is the police officer or a friend of the family or whoever he may be, the magistrate has got to be satisfied that the evidence is *prima facie* reliable. The House should also remember that he is not going to issue an *ex parte* order. When he is satisfied that a *prima facie* case has been made out, he gives an opportunity to the other side to come and explain the matter. So, the danger was removed as soon as the Select Committee agreed to provide for giving notice to the other side. My friend argued that if the police gives information, then the magistrate will be biased in favour of the police. If that argument is accepted, then 191C and other sections of the Criminal Procedure Code ought to be abolished altogether. It is on police information that magistrates take cognizance of murder and of smaller offences. If that is any argument, then the law to be found in the Criminal Procedure Code ought to be changed. I submit this amendment ought to be rejected by the House. Otherwise, the Bill will lose its usefulness.

Dr. Sir Ziauddin Ahmad: Sir, I support the amendment. When we remember that these words "or otherwise" were discussed in connection with the Press Bill, then these words were very strongly opposed by the Opposition side and they would not under any condition accept these words in that particular Bill. I am rather surprised that the Opposition welcome these words in the present case, because it suits certain individuals to put the words in there.

The Honourable Sir Nripendra Sircar: Will you allow me to explain the point? In the Criminal Law Amendment Act, the other fellow gets no chance. If the proper authorities are satisfied, by some method or otherwise, then certain consequences follow, but under this Bill a notice is issued to the other side. He is free to show that the information is wrong, and this makes all the difference.

Dr. Sir Ziauddin Ahmad: I know my own meaning better. The object here is really not to get some injunction, but to bring the particular person into disrepute or *badnami* as we call it. Suppose A wants his son to be married to the daughter of X and that B also wants his son

to be married to the daughter of X. If it is decided that the girl should be married to the son of A, then B, the disappointed man brings a case saying that the girl is not of age. In this country there are magistrates and magistrates. Every one has not got the mentality of a High Court judge or a first rate lawyer. In this case X will be placed in a very difficult position. If an injunction is taken on the eve of marriage, then there will be great trouble and the parties will not know what to do. The object is not so much to see whether the girl is of the required age, as to bring the family into disrepute. Magistrates get most of their information from their cooks, orderlies and bearers. If any of these people bring information to the magistrate that such and such a thing is being done, then the magistrate is satisfied and passes an injunction order. When they get information from the police, they consider it gospel truth. If the magistrates had been selected with care and they are of the proper mentality and had a strong sense of fairness and honesty, then I would not mind very much. But some magistrates have different types of mentality and if you want to see that justice is done, then these words should certainly be omitted.

Before I sit down I should like to say that we were accused of obstructing the passage of the Bill but really we are much more terrorised. Our mouths are shut by closure being moved at every stage. We have got our responsibility to our electors. We would have to go to them for our votes and we have to show them that we are defending their rights. Therefore, I think, we should be given full opportunity to express our views.

Maulana Zafar Ali Khan: Though these words "or otherwise" seem very innocent, I think there is great danger lurking behind them. I know the conditions obtaining in the Punjab and I know the conditions elsewhere. No registers of birth and death are kept in the villages and therefore the actual age of a girl is not known, and also the actual age of a boy, whether he is 18 or 19 or 16. It is very difficult to be sure about it in the conditions that obtain in rural Punjab and elsewhere. Now, *lumbardars*, *saidars* and village functionaries, who are hand in glove with the police, can make a mess of the whole situation and bring the parties concerned into trouble. A girl, for instance, is fourteen years old and she is going to be married to a boy of eighteen years. Now an enemy wants to take revenge from a certain person who is the father of the bridegroom or the father of the bride. He comes and says, "this girl is not fourteen years old, I know she is only twelve and I can prove it from evidence",—and, Sir, to concoct evidence in this country is very easy. Similarly, they say, "this boy is only sixteen and not eighteen, and that can be proved". Now, Sir, there is no register of births and deaths kept and therefore there is a great danger. This expression casts a net around the bridegroom, the father of the bride and the father of the bridegroom and others. Now the girl will not be imprisoned but the boy will be sent to jail, his father will be sent to jail, the whole family will be sent to jail, and all on account of these *lumbardars* and *saidars*, these functionaries, these constables, whose mere word is looked upon like gospel truth or rather it used to be so looked upon by the Government, but now it seems to me that our friends over there also look upon their word as gospel truth and there is an unholy alliance between the Treasury Benches

[Maulana Zafar Ali Khan.]

and the Congress Benches and therefore this is only one instance. Sir, I feel very strongly about this. Sir, I want this Bill, as it has emerged from the Select Committee, to go lock, stock and barrel. It must go because it affects not only Hindus but it affects Muslims also. I am a Muslim but I owe a duty to my Hindu compatriots. (Hear, hear.) These people sitting here say, "we are the leaders of the Hindu intellectuals, the intelligentsia", but they are only a drop in the ocean. The "Sanatan Dharma" is the ocean and they are a drop in the ocean. (Hear, hear.) You want this Bill to be thrust down our throats

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member had better address himself to the amendment now before the House.

Maulana Zafar Ali Khan: I only wanted to say one thing. If legislation is going to regulate our life in these matters, the first thing that ought to have been regulated should have been the *Achut* question. Now no Bill has been brought forward by the reformers that anybody who does not permit a Harijan to go to a temple

Mr. President (The Honourable Sir Abdur Rahim): Order, order. That has nothing to do with this Bill, and I must ask the Honourable Member to confine himself to the motion before the House.

Maulana Zafar Ali Khan: Sir, I oppose the motion very strongly.

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

"That in clause 6 of the Bill, in sub-section (1) of the proposed section 12 the words 'or otherwise' be omitted."

The Assembly divided:

AYES—19.

Abdul Ghani, Maulvi Muhammad.

Abdullah, Mr. H. M.

Bejoria, Babu Baijnath.

Bhagchand Soni, Rai Bahadur Seth.

Bhutto, Mr. Nabi Baksh Illahi Baksh.

Chattopadhyaya, Mr. Amarendra Nath.

Eesak Sait, Mr. H. A. Sathar H.

Ghulam Bhik Nairang, Syed.

Ghuznavi, Sir, Abdul Halim.

Ismail Khan, Haji Chaudhury Muhammad.

Maitra, Pandit Lakshmi Kanta.

Murtaza Sahib Bahadur, Maulvi Syed.

Rajah, Raja, Sir Vasudeva.

Shahban, Mr. Ghulam Kadir Muhammad.

Shaukat Ali, Maulana.

Siddique Ali Khan, Khan Sahib Nawab.

Umar Aly Shah, Mr.

Zafar Ali Khan, Maulana.

Ziauddin Ahmad, Dr. Sir.

NOES—81.

Abdul Hamid, Khan Bahadur Sir.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Aikman, Mr. A.
 Ayyangar, Mr. M. Ananthasayanam.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Bhagavan Das, Dr.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Chaudhury, Mr. Brojendra Narayan.
 Chunder, Mr. N. C.
 Clow, Mr. A. G.
 Conran-Smith, Mr. E.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Das, Mr. B.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Gilbert, Mr. L. B.
 Govind Das, Seth.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Highet, Mr. J. C.
 Hosmani, Mr. S. K.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.

Kamaluddin Ahmed, Shamsul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lalchand Navalrai, Mr.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Mangal Singh, Sardar.
 Menon, Mr. P. A.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Misra, Pandit Shambhu Dayal.
 Faliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Rahman, Lieut.-Col. M. A.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. Thirumala.
 Row, Mr. K. Sanjiva.
 Santhanam, Mr. K.
 Scott, Mr. J. Ramsay.
 Sen, Rai Bahadur N. C.
 Sham Lal, Mr.
 Sheodass Daga, Seth.
 Sher Muhammad Khan, Captain Sardar Sir.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Sircar, The Honourable Sir Nripendra.
 Sivaraj, Rao Sahib N.
 Smith, Lieut.-Colonel H. C.
 Som, Mr. Suryya Kumar.
 Spence, Mr. G. H.
 Sri Prakasa, Mr.
 Stewart, The Honourable Sir Thomas.
 Subedar, Mr. Manu.
 Sukthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Varma, Mr. B. B.
 Walker, Mr. G. D.

The motion was negatived.

Babu Baijnath Bajoria: Sir, I move:

"That in clause 6 of the Bill, in sub-section (1) of the proposed section 12 the following be added at the end:

'Provided however that such injunction shall be issued at least seven days prior to the date of marriage.'

Sir, this is a very modest and very reasonable amendment. What I want is that at the end of section 12 (1) this proviso should be added, namely, that injunctions should not be issued on the parties within seven days of the marriage. Those injunctions should be issued at least before seven days of the marriage. I will explain in a few words what I mean. It has been admitted by the Honourable the Leader of the House today that arrangements of marriages are made days ahead and everybody knows that such and such a marriage is going to take place. Marriage is not such a thing amongst the Hindu community that it can be performed by a mere exchange of handkerchiefs, or by exchange of rings, or by signing a register. We have to perform certain ceremonies, religious and social. We have to incur expenses. We have to send out invitations to

[Babu Baijnath Bajoria.]

hundreds and thousands of persons, the number depending upon the purse of the contracting parties. What I want is that if the case is to be decided, it should be decided before seven days of the date of the marriage. It cannot be denied that the marriage is to take place on such and such a date, this thing cannot be hidden. Any reformer or any person who takes the slightest interest in these marriages can easily find out this information and can move the Court in proper time, so that there may not be caused any undue inconvenience or loss of money or indignity to the contracting parties. Then, Sir, there is another point to which I would like to draw the attention of the House. There is a ceremony which in the Hindu community is known as the *Tai Ban* ceremony and which is akin to what the Bengalis call *Gai Halud* ceremony. After this ceremony, no marriage can be stopped. Even if there is death of the father or the mother of the bride or the bridegroom, the marriage cannot be stopped or even postponed. It may happen that after this ceremony either the bride or the bridegroom may die. In that case, we have to make arrangements for the marriage of the bride or the bridegroom to some other bridegroom or bride as the case may be at the earliest possible time. We cannot postpone the marriage ceremony. If this short time of seven days is not given, then I do not understand what will be the position of the contracting parties. It may be that the injunction is rightly given or wrongly given. What I stand for is this that these seven days should be given and once the marriage ceremonies start, they should not be stopped.

Here I must remind my Honourable friends, the reformers, who are so keen on this Bill, that spoon feeding by the Government or by anybody else will not do. If you want to have any social reform carried out successfully no amount of legislation, no amount of Bills—there may be hundreds of Bills like this—will help my reformist friends. They will all go to pieces. I submit my Honourable friends will have to take courage in their own hands. They will have to exert themselves. They will have to stand on their own legs. (Interruption.) I must say what I have got to say. What I request these reformers is that they should not rely on this Bill. (Interruption.) I am also a reformer myself, but within reasonable bounds. Even I am not for supporting marriages of boys and girls of 5 or 7 years of age. Nor our Shastras enjoin such marriages; nor do they permit such marriages. According to our Shastras and according to our customs, a particular age is fixed. There is only a difference of about two years between the age fixed in our Shastras and the age fixed in the Bill. I am willing to go only up to that limit which is enjoined in the Shastras. I am doing it in practice also. If I find small babies married, I will be the first to condemn such marriages. I will ask my Honourable friend, Mr. B. Das, and my Honourable friend, Mr. Sri Prakasa, and others as to what they have done to uproot this evil. Nothing so far as I know.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is straying from the amendment.

Babu Baijnath Bajoria: I am speaking about injunctions. I submit that injunctions alone will not do. Now that the House has decided that injunctions should remain, in spite of our protest, I would request that a provision be inserted that Courts should not interfere once the marriage ceremonies have begun. If a marriage is stopped after the ceremonies

have begun, then it will put the contracting parties, men belonging to respectable families and in high position, in a false position. If the marriage is not stopped once the ceremonies have begun, a lot of money which would otherwise be wasted will be saved. I, therefore, submit that no injunction should be issued within seven days before the date of marriage. I do not think any harm will be done if this week is allowed.

5 P. M. I would like to hear something about it. Of course, my Honourable friends remain dumb and silent. They are sitting on the fence. I submit this is a reasonable amendment, this is a modest amendment which will not in any way frustrate or evade injunction. Injunction can be got by the parties seven days before the date of marriage, if only they choose to apply their energy and if they are alert. If they do not do anything, then these seven days also will not be able to help them. It may help others a good deal. Sir, I commend the amendment for the acceptance of the House.

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

"That in clause 6 of the Bill, in sub-section (1) of the proposed section 12 the following be added at the end :

'Provided however that such injunction shall be issued at least seven days prior to the date of marriage'."

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, with your permission, I should like to make a statement as regards the business of this House next week.

Sir, the Income-tax Bill will, it is hoped, be introduced on Monday next, in which case the motion for reference to Select Committee will be moved on Thursday, the 7th April. The only official business to be placed before the House in the opening days of the week will be the consideration and passing of the two Bills introduced today and a motion for circulation of the Cruelty to Animals Bill. In these circumstances, the remaining stages of the Bill on which the House has been engaged today, assuming that they are not completed tomorrow, will be put down after the official business on the Agenda for Monday, Tuesday and Wednesday.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 31st March, 1938.