

2nd February, 1933

THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)

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FIRST SESSION  
OF THE  
THIRD LEGISLATIVE ASSEMBLY, 1927



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# LEGISLATIVE ASSEMBLY.

*Thursday, 2nd February, 1933.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

## QUESTIONS AND ANSWERS.

### DISCONTENT AMONG THE C CLASS GUARDS OF THE JUBBULPORE DIVISION OF THE GREAT INDIAN PENINSULA RAILWAY.

46. \***Mr. M. Maswood Ahmad:** (a) Are Government aware of the discontent prevailing among the C class guards of the Jubbulpore Division of the Great Indian Peninsula Railway?

(b) Is it a fact that as per departmental rules they should be utilized to work in branch lines only, while in this division they are required to work on the main line?

(c) Is it also a fact that junior guards in other divisions have superseded them?

(d) What objection have Government in transferring these men to those divisions?

(e) Have Government received any representation from them? If so, what is the result?

**Mr. P. R. Rau:** (a) to (d). Government have no information but I am sending a copy of the question to the Agent, Great Indian Peninsula Railway, for any action that may be necessary.

(e) No representations have been received by Government.

### REPRESENTATION IN THE CENTRAL LEGISLATURE IN THE NEW CONSTITUTION OF THE MEMBERS OF THE LATE ROYAL FAMILY OF DELHI.

47. \***Mr. M. Maswood Ahmad:** (a) Are Government aware that some agitation is being made in the press these days for the representation of the members of the late Delhi royal family in the Central Legislature in the new constitution and also that a memorial to His Majesty King George V was recently submitted through the Collector, Benares?

(b) Will Government please state the number of the members of the Delhi royal family in this country and also the districts in which they live?

(c) What are their political rights and privileges in the various districts?

(d) Have Government made any arrangement in the several districts for their education and employment?

(e) Have they ever been represented by a nominated or elected representative in the Legislative Assembly?

(f) Will Government please state their demands as put forward in their memorial and also what steps Government contemplate taking thereon?

(g) Have Government made any attempt to find out their demands from their duly elected representative, Khan Bahadur Nawab Hamid Hussain Khan, through whom the princes of the late Delhi royal family in their memorial desired to present their case?

(h) If not, do Government intend to do so now?

(i) Have the Delhi Taimuria Associations and Anjuman Khandan-i-Jahandad Shah, Benares, forwarded any resolutions to the Government of India?

(j) If so, will Government please state the resolutions and the action they intend to take in that connection?

**Mr. H. A. F. Metcalfe:** (a) No.

(b) The exact number of the members of the Delhi Ex-Royal family is not known. The main centres where the families reside are:

Delhi, Benares and Lucknow; members of the family are also to be found in Karachi, Multan, Lahore, Amritsar, Etah, Rangoon, Jaipur, Cawnpore, Rampur and Surat.

(c) The members of the family do not enjoy any special rights or privileges, except that some are in receipt of hereditary pensions and life grants.

(d) Special arrangements exist for the grant of educational scholarships to the children of the families at Delhi and Benares. Applications for employment receive sympathetic consideration.

(e) No.

(f), (g) and (h). Do not arise

(i) No.

(j) Does not arise.

#### PROHIBITION OF THE USE OF KHADDAR AT QUETTA.

48. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that people in Quetta are not allowed to wear clothes and caps according to their wishes?

(b) Is it a fact that people in Quetta have been prohibited by Government authorities to use *khaddar*?

**Mr. H. A. F. Metcalfe:** (a) and (b). The reply is in the negative.

#### RELIEF TO THE AGRICULTURAL COMMUNITIES IN DISTRESS IN JAPAN ON ACCOUNT OF THE WORLD-WIDE DEPRESSION.

49. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that a plan prepared by experts was submitted by the Japanese Government to the Diet for acceptance at its Special Session which lasted till the first week

of September, 1932, to give the necessary relief to the agricultural communities in distress on account of the world-wide depression?

(b) Are they aware that the plan includes—

(1) postponement of the repayment of loans made to the farmers by the Postal Deposit which are due redemption in the coming three years and amount to over 6.50 lakh yens; and

(2) the controlling of the prices of rice for which the fund at the disposal of Government has been raised ~~from~~ 315 million yens to 400 million yens?

(c) Are Government also aware of the Russian ten-year plan for improving the trade and agriculture of their Empire?

(d) If the reply to parts (a) to (c) above be in the affirmative, do Government propose to appoint a joint committee of experts and Members of the Legislative Assembly to prepare a comprehensive plan to improve the condition of agriculture and agricultural communities?

(e) If the reply to parts (a) to (c) be in the negative, do they propose to make inquiries from their representative in Japan about the plan? If not, why not?

**Mr. G. S. Bajpai:** (a) and (b). Government have seen newspaper articles to this effect,

(c) Yes.

(d) No. The subject is primarily the concern of Provincial Governments who are already alive to the desirability of relieving agricultural distress.

(e) Does not arise.

**Dr. Ziauddin Ahmad:** May I just know what was the reply to part (b) (2)?

**Mr. G. S. Bajpai:** I have said, Sir, that Government have seen articles to this effect in the Press.

#### CARRYING OUT OF EXTENSIVE PUBLIC WORKS WITH A VIEW TO SOLVING THE UNEMPLOYMENT PROBLEM IN JAPAN.

50. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that a plan prepared by experts was submitted by the Japanese Government to the Diet for acceptance at its Special Session which lasted till the first week of September, 1932, to carry out extensive public works with a view to solving the unemployment problem there?

(b) If the reply be in the affirmative, do Government propose to appoint a joint committee of experts and Members of the Legislative Assembly to prepare a comprehensive plan to solve the unemployment problem of this country?

(c) If the reply be in the negative, do they propose to make inquiries from their representative in Japan about the plan? If not, why not?

**The Honourable Sir Frank Noyce:** (a) Yes.

(b) The question is primarily one which concerns Local Governments and, as the Honourable Member may be aware, some of them have devoted considerable attention to it in recent years.

(c) Does not arise.

**Mr. N. M. Joshi:** Are Government aware that the Royal Commission on Indian Labour has made certain recommendations on this subject, and may I know what the Government propose to do?

**The Honourable Sir Frank Noyce:** I am aware of that. Those recommendations are under consideration.

#### DEVELOPMENT OF COMMERCIAL CONCERNS IN JAPAN IN ORDER TO COMBAT THE PRESENT DISTRESS ON ACCOUNT OF WORLD-WIDE DEPRESSION.

**51. \*Mr. M. Maswood Ahmad:** (a) Are Government aware that a plan prepared by experts was submitted by the Japanese Government to the Diet for acceptance at its Special Session which lasted till the first week of September, 1932, in connection with the commercial concerns in order to combat the present distress on account of world-wide depression?

(b) If the reply be in the affirmative, do Government propose to set up a joint committee of experts and Members of the Legislative Assembly to prepare a comprehensive scheme in this connection in order to ease the present distress?

(c) If the reply be in the negative, do they propose to make inquiries from their representative in Japan about the plan? If not, why not?

**The Honourable Sir Joseph Bhore:** (a) The Government of India have seen Press reports on the subject.

(b) No.

(c) Does not arise.

#### SCHEMES FOR IMPROVING THE CONDITION OF VILLAGERS IN JAPAN.

**52. \*Mr. M. Maswood Ahmad:** (a) Are Government aware that a plan prepared by experts was submitted by the Japanese Government to the Diet for acceptance at its Special Session which lasted till the first week of September, 1932, in connection with schemes for increased subsidy to education, encouragement of emigration, medical relief for sick in financial difficulties and the feeding of underfed children in order to improve the condition of villagers in Japan?

(b) If the reply be in the affirmative, do Government propose to set up a joint committee of experts and Members of the Legislative Assembly to prepare a comprehensive scheme in these matters in order to ease the present distress?

(c) If the reply be in the negative, do they propose to make inquiries from their representative in Japan about the plan? If not, why not?

**Mr. G. S. Bajpal:** (a), (b) and (c). An article on this subject appeared in the Indo-Japanese Trade Bulletin for November, 1932, and Government have seen it. They do not propose to take action on the lines suggested by the Honourable Member as education, medical relief and the care of

children are matters which are primarily the concern of Local Governments. Emigration is a central subject but the encouragement of emigration in these days of depression is not practicable.

**Dr. Ziauddin Ahmad:** Will Government be pleased to send copies of these questions to Local Governments for their consideration?

**Mr. G. S. Bajpai:** I presume that Local Governments have also seen these newspaper articles. I do not think that it is necessary for the Government of India to transmit them to Local Governments.

**PLAN FOR HELPING AGRICULTURAL COMMUNITIES AND FOR REDUCING UNEMPLOYMENT IN JAPAN.**

53. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that the Japanese Government have practically accepted the plan prepared by experts for helping agricultural communities and for reducing the unemployment by making funds available for the public and for the agricultural communities at low rates of interest?

(b) Are Government aware that the Diet has practically sanctioned the Finance Minister Mr. Takahashi's demand for a total expenditure of 1,650,000,000 yens for the relief measures?

(c) Are Government aware that in the Japanese Government plan for 1932-33 an expenditure of 159·525 million yens has been sanctioned out of which about 60 million yens have been sanctioned for agriculture and irrigation and about 40 million yens have been sanctioned for village road improvement?

(d) If the reply to parts (a) to (c) be in the affirmative, do Government propose to appoint a joint committee of experts and Members of the Legislative Assembly to prepare a comprehensive plan to improve the condition of agriculture and agricultural communities?

(e) If the reply to parts (a) to (c) be in the negative, do they propose to make inquiries from their representative in Japan about the plan? If not, why not?

**Mr. G. S. Bajpai:** (a), (b) and (c). It appears from an article which has come to the notice of Government that the Honourable Member's statements are substantially correct.

(d) No. As stated by me in answer to question No. 49 the subject is primarily the concern of Provincial Governments.

(e) Does not arise.

**Mr. M. Maswood Ahmad:** Have the Government of India any difficulty in sending these questions to Local Governments?

**Mr. G. S. Bajpai:** It is not a question of difficulty. It is a question as to whether any necessity has arisen for taking this extraordinary action.

**Dr. Ziauddin Ahmad:** May I ask whether Government had read these articles before the questions were asked?

**Mr. G. S. Bajpai:** I confess that until my attention was drawn to these articles by my Honourable friend's questions, I had not read them.

**Dr. Ziauddin Ahmad:** Will not the Local Governments be in the same position?

**Mr. G. S. Bajpai:** Well, I hope that Local Governments will be stimulated by the publicity given to these questions and answers to read these newspaper articles.

**Mr. M. Maswood Ahmad:** I request the Honourable Member in charge to send these questions at least to the Government of Bihar and Orissa.

**'APPOINTMENT OF A MUSLIM SUPERINTENDENT OF POST OFFICES AS ASSISTANT POSTMASTER GENERAL.**

**54. \*Mr. M. Maswood Ahmad:** (a) Is it a fact that the Postmaster General, Central Circle, his Deputy, and Assistants are all Hindus?

(b) Is it a fact that the Director General of Posts and Telegraphs has fixed the tenure of the appointments of Assistant Postmasters General at five years?

(c) How long have Messrs. J. N. Dar and S. W. Movlankar held the appointments as Assistant Postmasters General in the Central Circle?

(d) Is it a fact that most other Superintendents have been transferred from their Divisions where the tenure has been fixed at three years only? If so, why have Government not enforced the ruling in the case of these officers? Have Government considered the desirability of the immediate transfer of these officers?

(e) With reference to part (a) above are Government prepared also to consider the question of posting a Muslim Superintendent as an Assistant Postmaster General forthwith?

**Sir Thomas Ryan:** (a) Yes.

(b) The ruling to which the Honourable Member refers here and in part (d) of his question is that ordinarily a Superintendent should not remain in charge of the same Division for more than three years at a time, and that an Assistant Postmaster General should not occupy that post for more than five years at a time.

(c) Mr. J. N. Dar has been holding the post of Assistant Postmaster General from the 16th April, 1929, and Mr. Mavlankar held it from the 11th August, 1926, to the 18th May, 1932.

(d) The reply to the first part is in the affirmative. The other parts of the question do not arise in view of the reply to parts (b) and (c).

(e) No, since, as has been frequently stated, such postings are not made solely on communal considerations.

**GENELOGICAL TABLE OF THE DELHI ROYAL FAMILY PREPARED BY THE CHIEF COMMISSIONER OF DELHI.**

**55. \*Mr. M. Maswood Ahmad:** (a) Is it a fact that the Chief Commissioner of Delhi has prepared a geneological table of the Delhi royal family?

(b) Will Government be pleased to lay on the table a copy of the same?

**Mr. H. A. F. Metcalfe:** With your permission, Sir, I propose to answer questions Nos. 55 and 56 together. The information is being collected and will be laid on the table in due course.

**Dr. Ziauddin Ahmad:** With reference to question No. 55, is it a fact that the Chief Commissioner of Delhi has prepared a geneological table of the Delhi royal family?

**Mr. H. A. F. Metcalfe:** Information has not yet been obtained from the Chief Commissioner as to whether he has or has not taken such action.

**Mr. M. Maswood Ahmad:** Is it a fact that Government received this question a month ago?

**Mr. H. A. F. Metcalfe:** I am not exactly aware of the date on which it reached my Department, but efforts are being made to collect the information with as little delay as possible.

#### PENSION PAID TO THE DELHI ROYAL FAMILY.

†56. **\*Mr. M. Maswood Ahmad:** (a) What amount has been paid in the last provincial year to the Delhi royal family as political pensions?

(b) What amount has been paid in the last provincial year to the Delhi royal family as charitable pension?

(c) Will Government be pleased to state whether the amounts were paid from the central or provincial funds?

(d) From what heads were these pensions and charitable allowances paid?

(e) Is it a fact that political pension is paid to one family of the Delhi royal family, i.e., Mirza Elahi Bux's family only?

#### RESOLUTIONS PASSED BY THE MEMBERS OF THE DELHI ROYAL FAMILY.

57. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that the members of the Delhi royal family passed resolutions at a meeting held under the presidentship of Prince Mirza Abdul Rehman on the 30th November, 1932?

(b) Have Government received any copy of the resolutions passed at that meeting?

(c) Are Government aware that there is a great resentment amongst the members of the Delhi royal family in regard to the words 'charitable allowance'?

(d) Do Government propose to substitute some other suitable words for the words 'charitable allowance'?

**Mr. H. A. F. Metcalfe:** (a), (b) and (c). No.

(d) Does not arise.

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†For answer to the question, see answer to question No. 55.



**POPULATION AND PERCENTAGE OF MUSLIMS IN THE AREA SERVED BY THE  
NORTH WESTERN RAILWAY.**

58. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the North Western Railway serves an area which is overwhelmingly Muslim?

(b) Will Government be pleased to state the population and percentage of Muslims in the area served by the North Western Railway?

**Mr. P. R. Rau:** (a) and (b). I am not quite sure what exactly my Honourable friend means by "the area served by the North Western Railway". If he refers to the British Indian provinces of the Punjab, the North-West Frontier Province, Baluchistan and Sind, through which this railway runs, the figures, according to the last census returns, are as follows:

	Muslim population.	Percentage of total population.
Baluchistan	405,309	87.44
Sind	2,830,800	72.83
N.-W. F. P.	2,227,303	91.9
Punjab	13,332,460	56.54

**MUSLIM SUBORDINATE STAFF, EXCLUDING ACCOUNTS OFFICES, ON THE NORTH  
WESTERN RAILWAY.**

†59. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total subordinate staff, excluding those in accounts offices, employed on the North Western Railway on the 31st March, 1931, was 19,617?

(b) Is it a fact that their communal composition on the 31st March, 1931, was:

Hindus 11,294 in number, 57.57 per cent.

Muslims 4,900 in number, 24.98 per cent.

Europeans *cum* Anglo-Indians 1,605 in number, 8.18 per cent.

Indian Christians 159 in number, .81 per cent.

Others 1,659 in number, 8.46 per cent.?

(c) Will Government be pleased to state the communal composition of the subordinate staff, excluding those in accounts offices, on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in services on North Western Railway?

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†For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE CLERICAL POSTS, EXCLUDING ACCOUNTS OFFICES, ON THE NORTH WESTERN RAILWAY.**

†60. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total clerical posts, excluding those in accounts offices, on the North Western Railway on the 31st March, 1931, were 4,645?

(b) Is it a fact that the communal composition of the staff in total clerical posts on the North Western Railway on the 31st March, 1931, was:

Hindus 2,957 in number, 63.66 per cent.

Muslims 1,280 in number, 27.56 per cent.

Europeans *cum* Anglo-Indians 50 in number, 1.08 per cent.

Indian Christians 33 in number, .71 per cent.

Others 325 in number, 6.99 per cent.?

(c) Will Government be pleased to state the communal composition of the staff in the total clerical posts, excluding those in accounts offices, on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE CLERICAL POSTS, EXCLUDING ACCOUNTS OFFICES, ON THE NORTH WESTERN RAILWAY.**

†61. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total clerical posts on a scale of pay Rs. 150 or more, excluding those in accounts offices, on the North Western Railway on the 31st March, 1931, were 40?

(b) Is it a fact that the communal composition of the staff in the total clerical posts, excluding those in accounts offices, on a minimum pay of Rs. 150 on the North Western Railway on the 31st March, 1931, was:

Hindus 254 in number, 63.34 per cent.

Muslims 84 in number, 20.95 per cent.

Europeans *cum* Anglo-Indians 25 in number, 6.23 per cent.

Christians 5 in number, 1.25 per cent.

Others 33 in number, 8.23 per cent.?

(c) Will Government be pleased to state the communal composition of the staff in the total clerical posts, excluding those in accounts offices, on a scale of pay from Rs. 150 on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose that Muslims may get their due share in services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRAFFIC DEPARTMENT (TRANSPORTATION) OF THE NORTH WESTERN RAILWAY.**

†62. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Traffic Department (Transportation) staff employed on the North Western Railway on the 31st March, 1931, was 6,448 posts?

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†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the total Traffic Department (Transportation) staff on the North Western Railway on the 31st March, 1931, was:

Hindus 4,014 in number, 62.25 per cent.  
 Muslims 1,894 in number, 21.62 per cent.  
 Europeans *cum* Anglo-Indians 422 in number, 6.54 per cent.  
 Indian Christians 49 in number, .76 per cent.  
 Others 569 in number, 8.83 per cent.?

(c) Will Government be pleased to state the communal composition of the total Traffic Department (Transportation) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose that Muslims may get their due share in services mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE TRAFFIC DEPARTMENT (TRANSPORTATION) OF THE NORTH-WESTERN RAILWAY.

†63. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Traffic Department (Transportation) staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 329?

(b) Is it a fact that the communal composition of the total Traffic Department (Transportation) staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus 64 in number, 19.45 per cent.  
 Muslims 20 in number, 6.08 per cent.  
 Europeans *cum* Anglo-Indians 209 in number, 63.53 per cent.  
 Indian Christians 8 in number, 2.43 per cent.  
 Others 28 in number, 8.51 per cent.?

(c) Will Government be pleased to state the communal composition of the total Traffic Department (Transportation) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE COMMERCIAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

†64. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Commercial Department staff employed on the North Western Railway on the 31st March, 1931, was 4,978?

(b) Is it a fact that the communal composition of the staff in the Commercial Department on the North Western Railway on the 31st March, 1931, was:

Hindus 3,280 in number, 65.89 per cent.  
 Muslims 1,114 in number, 22.38 per cent.  
 Europeans *cum* Anglo-Indians 97 in number, 1.95 per cent.  
 Indian Christians 41 in number, .82 per cent.  
 Others 446 in number, 8.96 per cent.?

(c) Will Government be pleased to state the communal composition of the staff in the Commercial Department on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE COMMERCIAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.**

†65. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Commercial Department staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 74?

(b) Is it a fact that the communal composition of the staff in the Commercial Department on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus 32 in number, 43.24 per cent.

Muslims 15 in number, 20.27 per cent.

Europeans cum Anglo-Indians, 18 in number, 24.33 per cent.

Indian Christians, 1 in number, 1.35 per cent.

Others 8 in number, 10.81 per cent.?

(c) Will Government be pleased to state the communal composition of the staff in the Commercial Department on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT (POWER) OF THE NORTH WESTERN RAILWAY.**

†66. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Transportation (Power) staff employed on the North Western Railway on the 31st March, 1931, was 1,853?

(b) Is it a fact that the communal composition of the staff in the Transportation (Power) on the North Western Railway on the 31st March, 1931, was:

Hindus 218 in number, 16.11 per cent.

Muslims 577 in number, 42.65 per cent.

Europeans cum Anglo-Indians, 476 in number, 35.18 per cent.

Indian Christians, 11 in number, .81 per cent.

Others 71 in number, 5.25 per cent.?

(c) Is it a fact that Muslims in the department mentioned in (a) are mostly in lower grades?

(d) Will Government be pleased to state the communal composition of the total Transportation (Power) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(e) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

†For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT (POWER) OF THE NORTH WESTERN RAILWAY.**

†67. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Transportation (Power) staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 86?

(b) Is it a fact that the communal composition of the total Transportation (Power) staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus, 7 in number, 8.14 per cent.

Muslims, 8 in number, 9.3 per cent.

Europeans cum Anglo-Indians, 68 in number, 79.07 per cent.

Others 3 in number, 3.49 per cent.?

(c) Will Government be pleased to state the communal composition of the total Transportation (Power) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**MUSLIM CIVIL ENGINEERING (WAY AND WORKS) STAFF ON THE NORTH WESTERN RAILWAY.**

†68. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Civil Engineering (Way and Works) staff employed on the North Western Railway on the 31st March, 1931, was 822?

(b) Is it a fact that the communal composition of the total Civil Engineering (Way and Works) staff on the North Western Railway on the 31st March, 1931, was:

Hindus, 372 in number, 45.26 per cent.

Muslims, 247 in number, 30.05 per cent.

Europeans cum Anglo-Indians, 98 in number, 11.92 per cent.

Indian Christians, 5 in number, .61 per cent.

Others 100 in number, 12.16 per cent.?

(c) Will Government be pleased to state the communal composition of the total Civil Engineering (Way and Works) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**MUSLIM CIVIL ENGINEERING (WAY AND WORKS) STAFF ON THE NORTH WESTERN RAILWAY.**

†69. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Civil Engineering (Way and Works) staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 324?

(b) Is it a fact that the communal composition of the total Civil Engineering (Way and Works) staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus, 130 in number, 40.12 per cent.

Muslims, 83 in number, 25.62 per cent.

Europeans *cum* Anglo-Indians, 76 in number, 23.45 per cent.

Indian Christians, 3 in number, .93 per cent.

Others, 32 in number, 9.88 per cent.?

(c) Will Government be pleased to state the communal composition of the total Civil Engineering (Way and Works) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE MECHANICAL ENGINEERING WORKSHOPS ON THE NORTH WESTERN RAILWAY.

†70. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Mechanical Engineering Workshops staff employed on the North Western Railway on the 31st March, 1931, was 490 posts?

(b) Is it a fact that the communal composition of the total Mechanical Engineering Workshops staff on the North Western Railway on the 31st March, 1931, was:-

Hindus, 39 in number, 7.96 per cent.

Muslims, 74 in number, 15.1 per cent.

Europeans *cum* Anglo-Indians, 323 in number, 65.92 per cent.

Indian Christians, 11 in number, 2.24 per cent.

Others, 43 in number, 8.78 per cent.?

(c) Will Government be pleased to state the communal composition of the total Mechanical Engineering Workshops staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE MECHANICAL ENGINEERING WORKSHOPS ON THE NORTH WESTERN RAILWAY.

†71. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Mechanical Engineering Workshops staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 406?

(b) Is it a fact that the communal composition of the total Mechanical Engineering Workshops staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus 26 in number, 6.41 per cent.

Muslims 32 in number, 7.88 per cent.

Europeans *cum* Anglo-Indians 313 in number, 77.09 per cent.

Indian Christians 9 in number, 2.22 per cent.

Others 26 in number, 6.40 per cent.?

(c) Will Government be pleased to state the communal composition of the total Mechanical Engineering Workshops staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT (CARRIAGE)  
OF THE NORTH WESTERN RAILWAY.**

†72. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Transportation (Carriage) staff employed on the North Western Railway on the 31st March, 1931, was 422?

(b) Is it a fact that the communal composition of the total Transportation (Carriage) staff on the North Western Railway on the 31st March, 1931, was:

Hindus 198 in number, 46.92 per cent.

Muslims 92 in number, 21.8 per cent.

Europeans *cum* Anglo-Indians 59 in number, 13.98 per cent.

Indian Christians 3 in number, .71 per cent.

Others 70 in number, 16.59 per cent.?

(c) Will Government be pleased to state the communal composition of the total Transportation (Carriage) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT (CARRIAGE)  
OF THE NORTH WESTERN RAILWAY.**

†73. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Transportation (Carriage) staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 84?

(b) Is it a fact that the communal composition of the total Transportation (Carriage) staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus 19 in number, 22.62 per cent.

Muslims 7 in number, 8.33 per cent.

Europeans *cum* Anglo-Indians 43 in number, 51.19 per cent.

Indian Christians 1 in number, 1.19 per cent.

Others 14 in number, 16.67 per cent.?

(c) Will Government be pleased to state the communal composition of the total Transportation (Carriage) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE STORES DEPARTMENT OF THE NORTH WESTERN RAILWAY.**

†74. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Stores Department staff employed on the North Western Railway on the 31st March, 1931, was 146?

(b) Is it a fact that the communal composition of the total Stores Department staff on the North Western Railway on the 31st March, 1931, was:

Hindus 72 in number, 49.32 per cent.

Muslims 37 in number, 25.34 per cent.

Europeans *cum* Anglo-Indians 20 in number, 13.69 per cent.

Indian Christians 1 in number, .69 per cent.

Others 16 in number, 10.96 per cent.?

(c) Will Government be pleased to state the communal composition of the total Stores Department staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE STORES DEPARTMENT OF THE NORTH WESTERN RAILWAY.**

†75. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Stores Department staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 62?

(b) Is it a fact that the communal composition of the total Store Department staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus 28 in number, 45.17 per cent.

Muslims 12 in number, 19.35 per cent.

Europeans *cum* Anglo-Indians 14 in number, 22.59 per cent.

Indian Christian *nil, nil.*

Others 8 in number, 12.89 per cent.?

(c) Will Government be pleased to state the communal composition of the total Stores Department staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.**

†76. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Medical Department staff employed on the North Western Railway on the 31st March, 1931, was 225?



(b) Is it a fact that the communal composition of the total Medical Department staff on the North Western Railway on the 31st March, 1931, was :

Hindus 124 in number, 55.11 per cent.

Muslims 54 in number, 24.00 per cent.

Europeans *cum* Anglo-Indians 30 in number, 13.33 per cent.

Indian Christians 4 in number, 1.78 per cent.

Others 13 in number, 5.78 per cent.?

(c) Will Government be pleased to state the communal composition of the total Medical Department staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

†77. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Medical Department staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 21?

(b) Is it a fact that the communal composition of the total Medical Department staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was :

Hindus 3 in number, 14.29 per cent.

Muslims *nil, nil*.

Europeans *cum* Anglo-Indians 16 in number, 76.19 per cent.

Indian Christians 2 in number, 9.52 per cent.?

(c) Will Government be pleased to state the communal composition of the total Medical Department staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

#### ARRANGEMENTS FOR LIGHTS IN THE COMPARTMENTS OF THE BROACH JAMBUSAR RAILWAY.

78. \*Mr. M. Maswood Ahmad (on behalf of Nawab Naharsingji Ishwarsingji): Are Government aware of the incomplete and unsatisfactory arrangements for lights in the compartments of the Broach Jambusar Railway (Bombay, Baroda and Central India Railway) and that no sooner does a train leave the yards of the Samni Station (a junction in the line) than the lights are extinguished?

Mr. P. E. Rau: Government have no information on the subject. I am, however, arranging to bring the matter to the notice of the Agent, Bombay, Baroda and Central India Railway, for such action as he may consider necessary.

**HARDSHIPS FELT BY PASSENGERS VISITING THE FAIR AT AJMER IN 1931.**

**79. \*Nawab Naharsingji Ishwarsingji:** Are Government aware that a great number of passengers who visited the fair at Ajmer in 1931 could not get tickets for twenty-four hours and had to wait at the station and undergo great inconvenience? If so, what action do Government propose to take to remove the hardships felt by passengers?

**Mr. P. R. Rau:** Government are not aware of the inconvenience complained of, but will send a copy of the question to the Agent, Bombay, Baroda and Central India Railway, for such action as he may consider necessary.

**INTERMEDIATE CLASS COMPARTMENTS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

**80. \*Nawab Naharsingji Ishwarsingji:** Are Government aware that on the main line of the Bombay, Baroda and Central India Railway intermediate class compartments are not kept properly clean? If so, are Government prepared to take necessary steps in the matter?

**Mr. P. R. Rau:** Government have received no complaints in the matter, but will send a copy of the question to the Agent, Bombay, Baroda and Central India Railway.

**INTERMEDIATE CLASS COMPARTMENTS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

**81. \*Nawab Naharsingji Ishwarsingji:** Are Government aware that intermediate class compartments are not introduced in every train of the Bombay, Baroda and Central India Railway (main line), and that the travelling public are in great need of them? If so, are Government prepared to take early action for introducing intermediate class compartments in the Bombay, Baroda and Central India Railway (main line)?

**Mr. P. R. Rau:** The answer to the first part of the question is in the affirmative, and to the second part in the negative. Government are not prepared to press the Bombay, Baroda and Central India Railway Administration to put on intermediate class accommodation where they do not think traffic justifies it; but the question will be brought to the notice of the Administration for such action as they may desire to take.

**Mr. Gaya Prasad Singh:** Are Government aware that many persons, who would have travelled in the intermediate class, now travel third class on the Bombay, Baroda and Central India Railway, thus decreasing the revenue of the Railway Administration?

**Mr. P. R. Rau:** I am aware of that, and I am aware also that in many other railways the present financial position is such that many people who used to travel in the intermediate now travel third.

**Mr. N. M. Joshi:** May I ask whether Government have collected figures to show whether the first and second class traffic pays its way?

**Mr. P. R. Rau:** I don't think we have got figures, but I quite agree with my Honourable friend that the multiplicity of classes on Indian railways is a thing to be deplored.

**Mr. N. M. Joshi:** May I ask whether the Government will collect figures and find out whether the second and first class traffic pays its way, and, if it does not, to abolish these classes?

**Mr. P. R. Rau:** I think the figures collected in these abnormal times will not give an accurate idea of the position.

**Dr. Ziauddin Ahmad:** Will not every railway administration gain by paying a first class fare to every person who goes to purchase a first class ticket and ask him to travel in the third class?

**Mr. P. R. Rau:** I know my Honourable friend has made that suggestion before, but he has not got any data to justify it.

**Dr. Ziauddin Ahmad:** Does it not follow from the fact that the expenditure is three times the income and, therefore, my conclusion is correct?

**Mr. P. R. Rau:** I do not think we have got definite statistics to prove that the assumption of my Honourable friend that the expenditure on the first class travel is three times the income. So far as I am aware, we have not got definite figures to distribute the expenditure between first class and third class carriages.

**Dr. Ziauddin Ahmad:** These figures are given in your Administration Report.

**Mr. Gaya Prasad Singh:** Is it the contention of Government that the first and second class fare have ever paid their way in any railway in India?

**Mr. P. R. Rau:** I should like to have notice of that.

**Mr. N. M. Joshi:** May I ask whether Government will prepare a note on this subject in view of the fact that the Railway Budget will be placed before the Assembly in the near future?

**Mr. P. R. Rau:** On what subject, may I know?

**Mr. N. M. Joshi:** Whether the second and first class traffic pays its way.

**Mr. P. R. Rau:** As I have already told my Honourable friend, I do not think the collection of these statistics will serve any useful purpose, because the conditions are abnormal at present.

**Mr. N. M. Joshi:** May I ask whether they will prepare a note as to whether the first and second class traffic has paid its way during the last ten years? I am not talking of only the present time.

**Mr. P. R. Rau:** I am afraid it will not be possible to do this before the Budget is presented to the Assembly this year at any rate.

**Mr. Gaya Prasad Singh:** Is it a fact that the Railway Administration Reports themselves mention that about 95 per cent. of the revenue is derived from third class passengers?

**Mr. P. R. Rau:** I am not sure of the exact percentage, but the statement is generally correct.

**Mr. H. P. Mody:** Is it not clear that some inducement must be offered to the travelling public to travel first and second class?

**Mr. P. R. Rau:** That is the suggestion made by my Honourable friend, Dr. Ziauddin Ahmad, I think.

### ROAD DEVELOPMENT FUND.

82. **\*Nawab Naharsingji Ishwarsingji:** Will Government be pleased to place on the table of the House a statement showing:

- (a) the total amount realised from the two-anna petrol tax for the construction of roads in India in each Province;
- (b) the total amount of 10 per cent. reserved with the Government of India for making experiments on roads;
- (c) a detailed account as to how the 10 per cent. reserved with the Government of India has been spent till now;
- (d) the balance from the 10 per cent. reserved with the Government of India, and how Government propose to utilise this fund;
- (e) the conditions on which money is lent to each Provincial Government from this fund; and
- (f) the total amount lent to every Province from this fund?

**The Honourable Sir Frank Noyce:** I lay on the table of the House a statement containing the information asked for by the Honourable Member.

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#### Statement.

(a) The total amount realised up to March 31st, 1932, is Rs. 3,02,96,858. This is the proceeds of the additional duty on petrol of two annas up to September, 1931, and, with the 25 per cent. general increase of duties, two and a half annas subsequently. The revenue for the first six months of the current year is estimated to be Rs. 55,54,351, and this will shortly be taken into account for the purposes of distribution. On the basis prescribed by paragraphs (2), (3) (a) and (b) of the Legislative Assembly Resolution

of February 4th, 1930, a sum of Rs. 55,000 round has been set aside in respect of civil aviation and the balance of Rs. 3,02,41,858 has been distributed as follows :—

	Rs.
10 per cent. reserve with the Government of India . . . . .	30,23,399
Share of Madras . . . . .	41,88,163
Share of Bombay . . . . .	49,38,690
Share of Bengal . . . . .	41,07,393
Share of United Provinces . . . . .	16,53,999
Share of Burma . . . . .	29,28,045
Share of Burma (Shan States) . . . . .	2,37,199
Share of Punjab . . . . .	20,14,120
Share of Bihar and Orissa . . . . .	10,64,152
Share of Central Provinces . . . . .	9,36,423
Share of Assam . . . . .	6,00,496
Block grant for minor Administrations and States. (The North-West Frontier Province was in this category during the period in question) . . . . .	45,49,779
<b>TOTAL</b>	<b>3,02,41,858</b>

(b), (c) and (d). It will be convenient to furnish the information asked for under these three heads in one statement.

	Rs.
The amount so far credited to the reserve is :	
(1) As above . . . . .	30,23,399
(2) Voluntary contribution by the oil Companies in 1929 . . . . .	9,38,900
	<u>39,62,299</u>

This has been applied as follows :

A. Administration (Road Engineer and office, etc., expenditure to the 30th September, 1932)	1,07,064
B. Earmarked for grants for experimental works . . . . .	5,00,000
C. Reserved for special grants for special works . . . . .	33,55,235
	<u>39,62,299</u>

B. Grants amounting to Rs. 1,35,000 round have been sanctioned for experiments in various Provinces.

C. On the assumption that the total amount available in the reserve for special grants for special works in the five year period for which the account has been instituted would amount to about Rs. 40 lakhs, the Government of India on the advice of the Standing Committee have made a selection of works for which grants have been or are being offered, *vide* proceedings of the Standing Committee on Roads of March 19th, 1932, copies of which are in the library. Under the provisions of the Resolution of the Legislative Assembly above referred to, any balance in the reserve not eventually utilised for these purposes will be distributed in the same manner as the rest of the receipts in the Road Development Account.

(e) The Honourable Member is referred to the Resolution of the Legislative Assembly of the 3rd of October, 1931.

(f) Sanction to divert the following amounts from ordinary Provincial shares in the Road Development Account, as interest-free loans, has been accorded as follows :—

	Rs. lakhs.
Bombay . . . . .	16
Punjab . . . . .	8.26
Central Provinces . . . . .	2.50
Assam . . . . .	4.28

NUMBER OF, AND AMOUNT REALISED AS DUTY AND LICENCE FEE, ETC., ON  
MOTORS IMPORTED INTO INDIA.

83. \*Nawab Naharsingji Ishwarsingji: Will Government be pleased to supply a statement on the following items :

- (a) the total number of motors—buses, touring cars and trucks—of English, French, Italian and American make imported into India within the last five years; and
- (b) the total amount of duty realised from these cars?

The Honourable Sir Joseph Bhoré: (a) and (b). I lay on the table the statements furnishing the information required.

*Statement showing the value of motor cars, etc., from certain countries and the amount of duty realised thereon during the years 1926-27 to 1930-31.*  
(Omitting 000.)

Rate of duty	Motor cars (including taxi cabs).					Motor Omnibuses, motor vans and lorries.					*Parts (including rubber tyres) of mechanically propelled vehicles and accessories other than aircraft.				
	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
United Kingdom	30%	20%	20%	20%	20%	15%	15%	15%	15%	15%					
Value	80.42	1,02,55	97,54	96,54	71,03	19,24	22,74	20,50	17,52	15,25					
Duty	24.13	20,51	19,51	19,31	14,20	2,88	3,41	3,07	2,63	2,29	38,61	39,44	38,57	34,68	26,41
France															
Value	14.07	13,73	8,09	9,73	6,81	66	76	54	1,04	44					
Duty	4.22	2,74	1,62	1,94	1,36	10	11	8	15	7	1,48	1,61	1,48	2,07	1,72
Italy															
Value	36.92	34,48	22,38	26,41	19,42	2,04	3,25	3,54	9	18					
Duty	11.07	6,89	4,47	5,28	3,88	31	49	53	1	2	1,23	1,79	1,66	1,83	2,61
U. S. A.															
Value	88.99	1,34,51	2,17,20	1,96,18	1,00,41	49,38	67,48	1,29,50	1,76,26	88,76	42,56	56,75	74,17	76,12	53,29
Duty	26.69	26,90	43,44	39,03	20,08	7,41	10,12	19,42	26,44	13,31					
Total Value	..	..	..	..	..	..	..	..	..	..	78.88	99,59	1,15,88	1,14,74	84,03
Total Duty	66.11	57,04	69,04	65,56	39,52	10,70	14,13	23,10	29,23	15,89					
	10,70	14,13	23,10	29,23	15,69										
	76.81	71,17	92,14	94,79	55,21										

\* It is not possible to deduct duty in this case as parts of motor cars and buses, etc., are liable to different rates of duty and their values are not published separately in the Sea-borne Trade Accounts.

*Statement showing the number of motors, buses, touring cars and trucks imported from certain countries during the years 1926-27 to 1930-31.*

Country.	Motor cars (including taxi cabs).					Motor omnibuses, motor vans and motor lorries.				
	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.
United Kingdom .	2,546	3,600	3,645	3,758	2,885	341	447	473	398	258
France .	607	538	277	364	261	21	27	18	48	13
Italy .	1,416	1,367	967	1,150	917	99	207	87	4	10
United States of America	4,630	6,031	10,145	9,620	5,098	2,322	3,699	7,572	12,017	6,197

#### RULES REGARDING POSSESSION OF ARMS AND SWORDS.

84. **\*Nawab Naharsingji Ishwarsingji:** (a) Will Government be pleased to state the reasons for making hard and fast rules about arms and particularly swords, and are Government aware that swords are ornamental in these days?

(b) Are Government aware that in most of the riots which took place in India within the last five years no sword was used?

(c) Are Government aware that the feelings of the aristocracies of India are greatly hurt by those rules?

**The Honourable Sir Harry Haig:** (a), (b) and (c). Government cannot accept the view that swords are not dangerous weapons, and that it is not necessary in certain areas to impose restrictions on their possession. They are, however, in general exempt from the prohibitions and directions contained in the Arms Act, with the proviso that Local Governments have power to retain all or any of such prohibitions and directions in the case of any class of persons or of any specified area. There is no reason to believe that this discretion is exercised unreasonably.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state whether he knows that this restriction has been placed in the Bombay Presidency?

**The Honourable Sir Harry Haig:** I am afraid I have no information on that.

**Mr. Lalchand Navalrai:** Is the Honourable Member in a position to state whether in the civil disobedience movement swords were used at all?

**The Honourable Sir Harry Haig:** It is not the ordinary weapon of the terrorist, but the Arms Act is not directly solely against terrorism.

**Mr. Lalchand Navalrai:** The Honourable Member knows that these swords have been kept in houses from time immemorial. What is the reason now to enable Provincial Governments to put this restriction?

**The Honourable Sir Harry Haig:** There has been no change in the situation. The present rules have been in force for many years past.



**Mr. Lalchand Navalrai:** I want to bring to the Honourable Member's notice that in the Bombay Presidency there is a rule that, for merely keeping it, a license is required. That is a departure from immemorial practice and custom.

**The Honourable Sir Harry Haig:** It appears to me that the Honourable Member's complaint is against the Bombay Government, and that the matter might be raised in the Bombay Legislative Council.

**Mr. Lalchand Navalrai:** It is not only in the Bombay Presidency but in other areas as well. May I know what is the policy of the Government of India?

**The Honourable Sir Harry Haig:** The matter is left entirely to the discretion of the Local Governments.

#### LICENCES FOR AUTOMATIC PISTOLS AND REVOLVERS.

85. **\*Nawab Naharsingji Ishwarsingji:** Are Government aware that the grant of licence for automatic pistols and revolvers is properly restricted? If not, are Government prepared to consider the question of amending the rules thereon to the effect that except in special circumstances no licence for automatic pistols and revolvers should be given?

**The Honourable Sir Harry Haig:** The Government of India have recently been in correspondence with Local Governments regarding the procedure for licensing automatic pistols and revolvers, and I can assure the Honourable Member that Local Governments fully realise the necessity for restricting licenses for these weapons to those persons who have a real need of them and who can be trusted to keep them in safe custody. The Government of India do not consider that any amendment of the rules is necessary at present.

#### ABOLITION OF INCOME-TAX ON INCOMES OF Rs. 1,000.

86. **\*Nawab Naharsingji Ishwarsingji:** Will Government be pleased to state whether the financial condition of the Government of India is better than last year? If so, have Government got any proposal to abolish the income-tax on an income of Rs. 1,000?

**The Honourable Sir George Schuster:** I would ask the Honourable Member to wait until I make the usual statement through my Budget Speech.

#### INCOME AFTER THE ENHANCEMENT OF THE POSTAL RATES.

87. **\*Nawab Naharsingji Ishwarsingji:** Will Government be pleased to state whether, after increasing the postal rates, the income accruing therefrom has increased or decreased?

**Sir Thomas Ryan:** The total postage and message revenue during the twelve months ending on the 30th November, 1932, was greater than that during the immediately preceding twelve months.

#### REPRESENTATION OF MUSLIMS IN GOVERNMENT SERVICES.

88. **\*Nawab Naharsingji Ishwarsingji:** (a) Will Government be pleased to state whether any Government resolution or notification has been passed by the Government of India regarding the 33 per cent. of the services to be given to Muhammadans?

(b) Are Government aware that many qualified Muhammadan candidates who have passed B.A. or LL.B. examinations are not given suitable jobs by Government even if they are available?

**The Honourable Sir Harry Haig:** (a) I would invite the attention of the Honourable Member to the Home Department Office Memorandum No. F-176/25-Ests., dated the 5th February, 1928, which explains the existing policy of the Government of India as regards the representation of minority communities in the services under their control, a copy of which is available in the Library. As will be seen the reservation applies to minority communities generally and not only to Muslims.

(b) There must be many qualified candidates in all communities who are unable to obtain Government posts.

**Mr. M. Maswood Ahmad:** Have Government issued any order or circular on Mr. Hassan's report, or is it still pending in the Home Department?

**The Honourable Sir Harry Haig:** I am not sure that the report is pending in the Home Department, but the whole question of our existing orders is at the present moment under review.

**Mr. M. Maswood Ahmad:** Does the Honourable Member remember that in the November Session he admitted that the report was pending in the Home Department?

**The Honourable Sir Harry Haig:** I expect the report has by this time found its way to the Railway Department.

**Mr. Lalchand Navalrai:** With regard to clause (b) of this question, may I know from the Honourable Member if he knows that there are many B.A.'s and LL.B.'s among the Muhammadan community and there is a keen competition amongst themselves.

**The Honourable Sir Harry Haig:** I should think it is very probable.

#### CASE OF SRIMATI SAVITRI DEVI.

89. **Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to the case of Srimati Savitri Devi, who was sentenced to six months' rigorous imprisonment, and a fine of Rs. 50, under section 17, Criminal Law Amendment Act, by Mr. Isar, Magistrate of Delhi? What in brief are the facts of the case?

(b) Are Government aware that Mr. Justice Jai Lal of the Lahore High Court, in course of his judgment on a revision petition, observed as follows:

"I consider that the sentence awarded by the Magistrate, and reasons given by him are wholly indefensible, on the ground that, in the words of the Magistrate himself 'she belongs to a family the members of which have always taken active part against the Government, and it is futile to send her to jail for a short term'. The petitioner is entitled to be judged with regard to her guilt or otherwise, according to her own conduct, and antecedents of her family are quite irrelevant"?

**The Honourable Sir Harry Haig:** (a) Yes. The facts are briefly that this lady with two others was charged under section 17(1) of the Indian Criminal Law Amendment Act, 1908, for leading a "Prisoners' Day" procession in Delhi on the 4th July, 1932, organised by the Delhi Congress

Committee which had been declared an unlawful association. The procession carried a flag bearing seditious inscriptions. The Magistrate found the accused guilty under section 17(1) of the Criminal Law Amendment Act as by their action they had actively assisted the operations of an unlawful association.

(b) I have seen a copy of the judgment which is not quite correctly quoted by the Honourable Member.

**Mr. Gaya Prasad Singh:** Will the Honourable Member give the correct extract of that portion of the judgment which I may have incorrectly quoted?

**The Honourable Sir Harry Haig:** I should be very glad to communicate a copy of the judgment to the Honourable Member afterwards or to lay it on the table of the House.

#### **MOUNT EVEREST EXPEDITION WITH LORD CLYDESDALE, M.P., AS CHIEF PILOT.**

90. **\*Mr. Gaya Prasad Singh:** Are Government aware that the Mount Everest Air Expedition is shortly coming out to India, with Lord Clydesdale, M.P., as the Chief Pilot? If so, when? And have the Government of India offered any assistance to the Expedition? If so, what?

**Mr. H. A. F. Metcalfe:** Yes. The Expedition had arranged to leave England at the end of January, 1933, and the flight is expected to take place on or after March 15th.

Facilities ordinarily afforded to such expeditions are being given by the Government of India. No share of the cost of the flight is being borne by Indian Revenues.

#### **FEELING OF INSECURITY AMONG THE JEWISH COMMUNITY IN ADEN.**

91. **\*Mr. Gaya Prasad Singh:** Is it a fact that Mr. Zev Gartenhaus, as the representative of certain Jewish newspapers, had an interview with the Chief Commissioner of Aden, about the 27th September, 1932, in the course of which he pointed out the various grievances of the Jewish community, during and after the recent riots, and specially the fact that Jewish ladies do not venture to go outside the Jewish quarters in Aden in view of the feeling of insecurity? Will Government kindly state what definite steps, if any, have been taken by the authorities to restore the feeling of security among the Jewish community in Aden against future molestation, and if there has been any further communal trouble there?

**Mr. H. A. F. Metcalfe:** Mr. Gartenhaus had an interview with the Chief Commissioner, Aden, on the 27th September. There has been no further communal trouble in Aden since the Moslem-Jewish disturbances of May last, and the feeling of racial antagonism aroused by those events has subsided. Arrests and punishment by imprisonment and deportation have produced a deterrent effect on the unruly element while respectable Arabs have throughout deplored and discouraged anti-Jewish demonstrations. At the request of the Jews additional police have been posted in the Jewish quarter on occasions of Jewish and Moslem festivals in order to restore a sense of security although the situation in fact no longer requires such special precautions. Jews are now pursuing their business in a normal manner. Jewish schools including girls schools which are in the main part of the town are open and there is no reason for Jewish ladies to fear molestation.

**HUNGER-STRIKE IN THE RAJAHMUNDY JAIL BY LAHORE CONSPIRACY CASE PRISONERS.**

**92. \*Mr. Gaya Prasad Singh:** Have Government received any communication from the Madras Government, regarding the plight of the prisoners convicted in connection with the Lahore Conspiracy Case, who were said to be on hunger-strike in the Rajahmundry Jail?

**The Honourable Sir Harry Haig:** The Madras Government have reported that three prisoners have been on hunger-strike for a considerable period.

**Mr. Gaya Prasad Singh:** What are the names of the three prisoners?

**The Honourable Sir Harry Haig:** I am not sure that I have the names with me at present. They were three prisoners who were convicted in connection with the Lahore Conspiracy Case.

**Mr. Gaya Prasad Singh:** What is the present condition of their health? Are they still on hunger-strike?

**The Honourable Sir Harry Haig:** The latest information we have is that they are still on hunger-strike.

**Mr. Gaya Prasad Singh:** How long have they been on hunger-strike?

**The Honourable Sir Harry Haig:** I think they started some time in November. (Laughter.)

**Mr. S. C. Mitra:** Are Government aware of the reasons for these prisoners going on hunger-strike?

**The Honourable Sir Harry Haig:** The original reason, as reported to us, was that it was a protest against a refusal to give a particular diet—a particular quantity of milk, ghee and sugar—to one of the prisoners, but, later on, that has been turned into a general protest against their being classed as C class prisoners.

**Mr. M. Maswood Ahmad:** Are these prisoners being forcibly fed?

**The Honourable Sir Harry Haig:** Yes, Sir. Otherwise I do not think they could possibly be alive.

**Mr. Lalchand Navalrai:** Was any revision made by the Government with regard to the food-stuff that they wanted to be changed?

**The Honourable Sir Harry Haig:** I do not think there was any change in the normal diet; but, of course, under present circumstances, they are getting such diet as is necessary to keep them alive.

**Mr. S. C. Mitra:** Are the Government of India aware of the reasons why these prisoners were transferred from Lahore to the Madras Presidency? The Honourable the Home Member well knows that the diet in the Punjab is quite different to that in Madras.

**The Honourable Sir Harry Haig:** I do not think that the complaint was that the Madras food was unsuitable in any way. They wanted, after all, milk as an article of diet, which presumably is the same in Madras as in the Punjab.

**Mr. S. C. Mitra:** What were the reasons for transferring these prisoners from Lahore to Madras?

**The Honourable Sir Harry Haig:** I think they were giving a great deal of trouble in the Punjab jails, and the Punjab Government thought it necessary to ask the Madras Government to take them over.

**Mr. S. C. Mitra:** Was it expected that in Madras they would be all right?

**The Honourable Sir Harry Haig:** It was hoped that they would be better.

**Mr. S. C. Mitra:** Can we assume that the treatment in Madras jails is far better than in the Punjab jails? Is that the inference?

**The Honourable Sir Harry Haig:** No, Sir. The position is that sometimes with troublesome prisoners, it is an advantage to get them away from their local surroundings.

**Mr. T. N. Ramakrishna Reddi:** Will Government take steps to transfer them to Northern India jails where the diet is similar to that in the Punjab?

**The Honourable Sir Harry Haig:** The question is not really the kind of diet, but whether they should be treated as B or C class prisoners.

**Mr. S. C. Mitra:** When a prisoner is transferred, who is responsible for the classification—the Government of India or the Local Government of the province to which they are transferred?

**The Honourable Sir Harry Haig:** They are classified by the trial Court in the first instance, and the Local Government—that is to say, the Local Government of the province where the trial takes place—has a right of revision: so that the decision in this case rests with the Government of the Punjab.

**Mr. S. C. Mitra:** May we take it that these prisoners were classed as C class from the very beginning, or after their transfer?

**The Honourable Sir Harry Haig:** They were classed as C from the very beginning.

**Sardar Sant Singh:** May I ask if the object of a transfer from one province to another is to deprive the prisoner of his social amenities that exist in his own province, so that he may be excluded from social intercourse altogether in the other province to which he is transferred?

**The Honourable Sir Harry Haig:** The Honourable Member will understand that jails are not places for social relaxation.

**Sardar Sant Singh:** Certainly, a man, being a social being, requires sometimes to talk to his fellow-beings. Now if the language is different, there will be difficulties and further trouble with the prisoners?

**The Honourable Sir Harry Haig:** I imagine that these prisoners would not be incapable of conversing with the prisoners in the Madras jail.

**Sardar Sant Singh:** What about interviews? How do the Government arrange for interviews which are allowed under the jail regulations?

**The Honourable Sir Harry Haig:** They would be entitled to interviews under the ordinary rules that exist, whether in Madras or in the Punjab.

**Sardar Sant Singh:** Does it not practically amount to refusing them this privilege of interviews, when you ask the relations of these prisoners to go from long distances, at very great expense and inconvenience to themselves?

**The Honourable Sir Harry Haig:** No, Sir. I do not think so.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state whether the grievance or complaint with regard to the food still continues, and whether the Government cannot make any change as asked for in the diet in order that they may not continue their hunger-strike?

**The Honourable Sir Harry Haig:** The matter has got far beyond the question of the particular form of diet. As I have explained, for some considerable time past all these three prisoners are being forcibly fed. That is to say, they are being given such diet as the medical authorities think is most suitable to maintain them alive. Therefore, no question of normal diet at the present moment arises.

**Mr. Lalchand Navalrai:** May I take it that there is no complaint on that score?

**The Honourable Sir Harry Haig:** I think the Honourable Member may certainly take that. So far as the reasons for the continuance of this hunger-strike are concerned, as I have already said I understand it is now simply a demand that they should be classified as B class.

**Mr. M. Maswood Ahmad:** May I ask if the rules for interviews with prisoners are the same in all the province, or there are differences according to local conditions?

**The Honourable Sir Harry Haig:** The general privileges of B class prisoners are the same in all provinces.

**Mr. M. Maswood Ahmad:** What about C class prisoners?

**Sardar Sant Singh:** Is it not in the interests of the Administration that the Government should avoid giving this impression to the public that there is some vindictiveness in the treatment of these political prisoners?

**The Honourable Sir Harry Haig:** I do not quite know what my Honourable friend means by "political prisoners". The Lahore Conspiracy case prisoners were men who had been engaged in a dangerous terrorist conspiracy.

**Mr. T. N. Ramakrishna Reddi:** Is that the reason why they are being persecuted like that, so much so that they have been hunger-striking for the last 80 days?

**The Honourable Sir Harry Haig:** No, Sir. The authorities have been doing everything they can to keep them alive.

**Mr. T. N. Ramakrishna Reddi:** Is it not a fact that the mother of one of the prisoners has reported to the effect that the condition of her son is much more serious than what is reported?

**The Honourable Sir Harry Haig:** I am afraid I could not follow the Honourable Member's question. Will he kindly repeat it?

**Mr. T. N. Ramakrishna Reddi:** Is it not a fact that the mother of one of the prisoners went to Rajahmundry jail and saw her son and that she has reported that the condition of her son is precarious and much more serious than what has been reported?

**The Honourable Sir Harry Haig:** Reported by whom?

**Mr. T. N. Ramakrishna Reddi:** Reported in the papers and by the Government.

**The Honourable Sir Harry Haig:** I did not say that the condition of these people was not serious. Naturally, when men have been on hunger-strike for two months and more, their situation must give cause for some anxiety.

**Sardar Sant Singh:** May I know if the Government treat those prisoners who are convicted of political outrages, though we may not agree to call them political prisoners, as worse than dacoits and murderers?

**The Honourable Sir Harry Haig:** They receive precisely the same treatment as other prisoners of their class in the various jails.

**Sardar Sant Singh:** May I know how many murderers have been transferred from the Punjab to Madras jails?

**The Honourable Sir Harry Haig:** I think the Honourable Member will have to put down a question about that. He cannot expect me to give an answer off-hand.

**Mr. S. C. Mitra:** Is it not a fact that in matters of classification of prisoners the motive for crime is not taken into consideration? The main criteria are the mode of living, the status of the prisoner and his education and such other matters?

**The Honourable Sir Harry Haig:** That is roughly correct.

**Mr. Gaya Prasad Singh:** In view of the fact that the Home Member has admitted that the condition of these prisoners is causing anxiety, may I know what steps have the Government taken or propose to take to remove the cause of that anxiety?

**The Honourable Sir Harry Haig:** The matter does not lie in the hands of the Government. The Government cannot accept the position that a prisoner can dictate to Government how he should be treated in jail.

**LIGHT TANKS ORDERED BY THE ARMY DEPARTMENT.**

**93. \*Mr. Gaya Prasad Singh:** (a) Is it a fact that about 60 light tanks were ordered by the Army Department, but when about half the number ordered had been despatched, various additions and alterations suggested by senior military officers in India had been carried out, and it was found that they resulted in "uneconomic increase in weight" which was raised from 3 tons to  $4\frac{1}{2}$  tons per machine, leading to reduced speed, increased petrol consumption, and mechanical defects in the bogies and bodies, while the turrets jammed?

(b) Is it a fact that the unsatisfactory results led to the stopping of further deliveries of the remaining machines? Will Government kindly make a statement on the subject, stating why the defects were not foreseen before ordering so many machines at once, and what was the price of each machine before and after the alterations had been carried out, and the approximate loss of money involved?

**Mr. G. E. F. Tottenham:** The Honourable Member's question is, I think, based on what appears to have been a most misleading and ill-informed article contributed to an English newspaper and reproduced, or partially reproduced, in the Indian Press; and I am indebted to him for giving me this opportunity to explain the position. The facts are that at the beginning of 1931, four experimental light tanks were brought out and carefully tested under Indian conditions. Certain modifications of design were suggested and accepted by the makers; and finally an order for 54 (not 60) vehicles was placed in June, 1931, at a price of Rs. 33,796 each. The modifications made to suit Indian conditions did entail some increase of weight, but it is entirely untrue that the increase was uneconomic or that it amounted to  $1\frac{1}{2}$  tons or that any addition to the weight has been made since the order was placed.

The tanks have been arriving in India in small batches during the last year and certain minor defects have gradually come to light, such as are always to be expected in any new type of mechanical vehicle. These have been remedied without in any way increasing the original contract price or affecting the performance of the tanks in the matter of petrol consumption or speed.

It is a fact that the delivery of the last 24 vehicles was delayed pending the rectification of a defect which declared itself in the gear box after several months' running. But this defect could not have been detected at the outset; it was not serious; and the machines already in India are being put right locally without extra expense to the State.

There has thus been no lack of foresight and no loss of money; while the performance of the tanks has given full satisfaction to the military authorities and is a considerable advance on anything that has hitherto been achieved.



**Mr. Gaya Prasad Singh:** Is it not a fact that comments on this subject appeared in the *Daily Mail* and other newspapers in England, and also in the *Statesman* and other papers in India.

**Mr. G. R. F. Tottenham:** I said at the beginning of my answer that the question was apparently based on an article which was contributed to the *Home Press* and that the article contributed to the *Home Press* was misleading and ill-informed.

**Mr. K. C. Neogy:** Will the Honourable Member, then, admit that it is dangerous to rely on the reports that appear in the British Press and also in a particular section of the Press in India in regard to Indian matters?

**Mr. G. R. F. Tottenham:** In this matter it appears to be so.

#### DISARMING OF THE SIKHS OF THE ROYAL BOMBAY SAPPERS AND MINERS AT KIRKEE.

94. **Mr. Gaya Prasad Singh:** Will Government kindly state why order was passed that no Sikhs of the Royal Bombay Sappers and Miners at Kirkee shall be allowed to carry or be in charge of Government arms for a stated period, as a result of which order all the Sikh soldiers there were relieved of their arms? Is there any evidence to show that all the Sikh soldiers there were involved in the attempt on the life of Captain R. L. Thompson, the Army Commander?

**Mr. G. R. F. Tottenham:** The order was issued by the Army Commander to quote his own words "as a mark of his displeasure at the recent attempt made on the life of a British officer and the discredit thereby brought on the Sikh community".

As the case is now *sub judice* it would be improper for me to make any further statement on the subject at present, but it would, I think be permissible to add that there is no reason whatever to believe that the general body of Sikhs in the Corps was implicated.

**Sardar Sant Singh:** The Honourable Member has said that because an offence was committed by one member of the Sikh community upon the life of an officer of a regiment, therefore, in order to mark the displeasure, the whole community was deprived of its arms. Is it the right course? Does the Honourable Member approve of it?

**Mr. G. R. F. Tottenham:** That, Sir, is a matter of opinion. Ordinarily, we are not expected in answering questions in this House to give opinions, but I think I may say that the question of the action to be taken was a matter entirely for the discretion of the Army Commander, who is responsible for the discipline of the troops under his Command, and the Government have complete confidence in the Army Commander and agree that his discretion was wisely and correctly exercised.

**Sardar Sant Singh:** I am unable to understand the Honourable gentleman when he says that it is a matter of opinion. If one member of the Sikh community commits an offence, the whole Sikh community is deprived of certain privileges which belong to it on account of its public service. Is it a question of policy or is it a matter of opinion?

**Mr. G. R. F. Tottenham:** I understand that the Honourable Member asked whether the action taken by the Army Commander was, in the opinion of the Government of India, justified, considering that only one Sikh was involved; and I said that that was a matter of opinion.

**Mr. Gaya Prasad Singh:** If the case is *sub judice*, why did the Army Commander take upon himself the responsibility of depriving all the Sikh soldiers of their arms before the disposal of the case?

**Mr. G. R. F. Tottenham:** He did so for the reasons that I have already given in my answer.

**Mr. Gaya Prasad Singh:** Has the Sikh soldier in question been convicted of the offence with which he was charged up till now?

**Mr. G. R. F. Tottenham:** No, Sir; the case is still *sub judice*.

**Mr. Gaya Prasad Singh:** Then, Sir, why all the Sikh soldiers were deprived of their arms, as even this particular Sikh soldier has not yet been proved to be guilty?

**Mr. G. R. F. Tottenham:** Sir, I have already stated in my answer that it was done as a mark of the Army Commander's displeasure at the attempt on the life of a British officer.

**Mr. Gaya Prasad Singh:** How could the Army Commander come to the conclusion that that particular Sikh soldier was guilty of the offence when the case has not been disposed of and is still *sub judice*?

**Mr. G. R. F. Tottenham:** It was clear that the officer in question had been shot at by somebody in the regiment and, therefore, that one or other of the members of the regiment were involved. Possibly a large number of them were involved. At that time the Army Commander was not in a position to know the exact facts, but he issued his order for the reasons that I have already stated.

**Mr. S. O. Mitra:** Is there any instance of a British soldier who shot at an officer or did something against an officer and, therefore, some action was taken against the whole body of soldiers?

**Mr. G. R. F. Tottenham:** I am not aware of such a case.

**Sardar Sant Singh:** Has a similar action been taken in the past in respect of a similar offence committed by a member of any other community?

**Mr. G. R. F. Tottenham:** I do not know whether any similar steps have been taken before. But the point is that in this particular case the Army Commander considered it necessary for the reasons already stated to issue the order that he did and the Government of India are satisfied that that order was justified?

**Mr. H. P. Mody:** If my Honourable friend, Sardar Sant Singh, were to indulge in violent language, will the Sikh Members of this House be deprived of the right to speak?

(No answer.)

## ASSESSMENT OF INCOME-TAX AND SUPER-TAX IN THE PUNJAB.

95. \*Mr. K. P. Thampan (on behalf of Mr. B. R. Puri): Will Government be pleased to state:

- (1) how much (a) income-tax and (b) super-tax was assessed in the Punjab in the year 1930-31; and
- (2) how much under each of the above two heads was assessed communitywise, *vis.*, (a) Hindus, (b) Sikhs and (c) Muhammadans?

**The Honourable Sir George Schuster:** (1) (a). Rs. 54,40,442.

(b) Rs. 3,96,868.

(2) The required information cannot be supplied as payments of tax are not classified according to the community to which a tax-payer may belong.

**PERSONS ARRESTED IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT AND OTHER POLITICAL MOVEMENTS.**

96. \*Mr. M. Maswood Ahmad: Will Government be pleased to state the number of persons arrested up to the 31st December, 1932, after the Second Round Table Conference in connection with the civil disobedience movement and other political movements in different provinces (each province separately)?

**The Honourable Sir Harry Hail:** With your permission, Sir, I will answer questions Nos. 96 and 97 together.

I lay on the table a statement giving the information in my possession relating to the civil disobedience movement. I regret I have no information as to the number of arrests.

*Statement showing (a) number of persons convicted, though not necessarily sentenced to imprisonment, for offences connected with the civil disobedience movement and (b) the number of persons undergoing imprisonment.*

Province.	No. of persons convicted though not necessarily sentenced to imprisonment for offences connected with the civil disobedience movement since the revival of the movement up to the end of December, 1932.	No. of convicted persons undergoing imprisonment at the end of December, 1932.
Madras . . . . .	3,158	1,112
Bombay . . . . .	12,857	3,937
Bengal . . . . .	11,786	1,933
United Provinces . . . . .	13,003	3,016
Punjab . . . . .	1,697	358
Burma . . . . .	..	..
Bihar and Orissa . . . . .	11,975	1,781
Central Provinces . . . . .	3,917	311
Assam . . . . .	1,222	357
N.-W. F. P. . . . .	5,790	1,742
Delhi . . . . .	1,016	145
Coorg . . . . .	236	80
Ajmer-Merwara . . . . .	280	43
<b>Total . . . . .</b>	<b>66,937</b>	<b>14,815</b>

**PERSONS IN JAILS IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT  
AND OTHER POLITICAL MOVEMENTS.**

†97. \***Mr. M. Maswood Ahmad:** Will Government be pleased to state the number of persons in jails in different provinces (each province separately) on the 31st December, 1932, in connection with the civil disobedience movement or other political movements?

**NUMBER OF DETENUS KEPT IN DIFFERENT PLACES.**

98. \***Mr. M. Maswood Ahmad:** Will Government be pleased to state the number of detenus kept in different places on the 31st December, 1932, with their nationality and community?

**The Honourable Sir Harry Haig:** I lay on the table a statement giving the particulars required as far as they are available.

*Statement of persons in jails or internment camps under (a) the Bengal Criminal Law Amendment Act and (b) as State prisoners under Regulations III of 1818 and XXV of 1827.*

(a) The number of prisoners detained in jails or detention camps under the Bengal Criminal Law Amendment Act on the 31st December, 1932, was 1,348 all of whom are in Bengal except 98 in Deoli and 1 in the Punjab. These persons are all inhabitants of Bengal.

(b) The number of State prisoners in jail is 35 as follows :—

No. of State prisoners.	Province of Origin.	Province of detention.
2	Bombay . . . .	Bombay.
		{ 1 in Bengal.
		8 in Madras.
		4 in Punjab.
21	Bombay . . . .	{ 1 in the United Provinces.
		5 in the Central Provinces.
		{ 2 in the North-West Frontier Province.
7	Punjab . . . .	Punjab.
4	North-West Frontier Province.	{ 2 in the United Provinces.
		{ 2 in Bihar and Orissa.
1	Delhi . . . .	Delhi.
35		

†For answer to this question, see answer to question No. 96.

## RELEASE OF MR. GANDHI.

99. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether they have received any suggestion from the Right Honourable Sir Samuel Hoare about Mr. Gandhi's release?

(b) Is it a fact that Government have refused to agree to the Right Honourable Sir Samuel Hoare's suggestion that Mr. Gandhi should be released?

(c) Will Government be pleased to state their policy in connection with Mr. Gandhi's imprisonment and release?

**The Honourable Sir Harry Haig:** (a) No.

(b) Does not arise.

(c) The policy of Government remains unchanged.

**Mr. M. Maswood Ahmad:** Is it a fact that the first meeting of the Viceroy's Executive Council of the New Year was held at the Viceroy's Camp at Belvedere on Thursday morning, the 5th January, 1933, and that they discussed the attitude to be taken up by the Government of India in regard to the question of releasing Mr. Gandhi and other political prisoners?

**The Honourable Sir Harry Haig:** I think the Honourable Member's supplementary question anticipates precisely a question which is down on the paper to be answered later. But I have no objection to saying at once that questions of the procedure in the Governor General's Council are confidential and I can say nothing about them.

## INTRODUCTION OF THE INTERNAL PASSPORT SYSTEM IN BENGAL.

100. **\*Mr. M. Maswood Ahmad:** Is it a fact that Government intend to introduce the internal passport system in Bengal to check the terrorist movement activities?

**The Honourable Sir Harry Haig:** No such proposal has been submitted to the Government of India.

## BOMB OUTRAGE IN DELHI.

101. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the full facts about the bomb outrage that occurred in Delhi on the 30th December, 1932?

(b) What amount of money and jewellery were taken away by the gang?

(c) Did the police arrest any one of the gang up till now?

**The Honourable Sir Harry Haig:** (a) and (b). On the 30th December, 1932, one Pearey Narain was returning to his house from Chowri Bazar carrying with him two bags containing Rs. 25-12-9 in cash and silver ornaments valued at Rs. 269. When he reached the junction of Sarak Prem Narain and Gali Badalyan at about 7-30 p.m. somebody hit him from behind on the back of his head. Pearey Narain fell down in an unconscious state. After two or three minutes he regained consciousness and found that both the bags were missing. Just after that an explosion of a cracker took place inside Gali Badalyan at a distance of about 80 paces from the place of the occurrence. The explosion caused some noise

and smoke. The complainant on reaching his house, informed his son who reported the matter at the Police Station. No clue to the culprits has so far been discovered and the case is still under investigation.

(c) No arrest has been made so far.

**Mr. Lalchand Navalrai:** May I know if there was any police arrangement in that lane where this robbery took place?

**The Honourable Sir Harry Haig:** I do not suppose there was a police constable on duty in that lane. If there were a police constable on duty in every lane in Delhi, we should have to come to this House for a very large increase in the police grant.

**APPLICATION OF THE DIFFERENT SECTIONS OF THE CRIMINAL LAW AMENDMENT ACT, 1932.**

102. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state in which districts the different sections of the Criminal Law Amendment Act of 1932, passed in December, 1932, have come into force and from what date, according to the following schedule?

Name of District.	Province.	Section.	Date of commencement.	By the order of Central or Local Government.	Remarks.

**The Honourable Sir Harry Haig:** The whole of the Criminal Law Amendment Act, 1932, except sections 4 and 7, came into force at once, *vide* sub-section (4) of section 1 of the Act. I lay on the table a statement showing the areas in which sections 4 and 7 have been brought into force by Local Governments.

*Statement showing the areas in which sections 4 and 7 of the Criminal Law Amendment Act, 1932, have been brought into force by local Governments.*

Province.	Section.	Areas in which enforced.	With effect from	No. and date of Local Government's Notification.
Madras .	7	Whole Presidency .	27-12-32	No. 322, dated 26th December 1932. No. S. D-7752, dated 27th December 1932.
Bombay .	4 & 7	City of Bombay, the Bombay Suburban District, and the Districts of Karachi, Kaira, Ahmednagar, East Khandesh, West Khandesh, Ratnagiri and Kanara.	29-12-32	

*Statement showing the areas in which sections 4 and 7 of the Criminal Law Amendment Act, 1932, have been brought into force by local Governments—contd.*

Province.	Section.	Areas in which enforced.	With effect from	No. and date of Local Government's Notification.
United Provinces .	4 & 7	Districts of Saharanpur, Meerut, Muzaffarnagar, Muttra, Agra, Pilibhit Farrukhabad, Etawah, Cawnpore, Fatehpur, Allahabad, Hamirpur, Benares, Ghazipur, Lucknow, Unao, Rae Bareilly, Sitapur, Hardoi and Partabgarh.	29-12-32	No. 3081-VIII-1912, dated 29th December 1932.
Punjab .	7	Lahore and Amritsar Districts.	31-12-32.	No. 16712-S. B., dated 31st December 1932.
Bihar and Orissa .	7	Whole Province and the Angul District.	26-12-32	Nos. 10190-C., and 10192-C., dated 26th December 1932.
Assam : . . .	7	Districts of Sylhet, Cachar, Goalpara, Kamrup, Darrang, Nowgong, Sibsagar and Lakhimpur.	7-1-33	No. 104-G. J., dated 7th January 1933.
Delhi . . .	7	Whole Province .	24-12-32	No. 9690-Home, dated 24th December 1932.

### EXPORT OF GOLD FROM INDIA.

103. \***Mr. M. Maswood Ahmad**: Will Government be pleased to state the total weight in tolas and the total value of gold exported from India since Britain went off the gold standard up to the 31st January, 1933?

**The Honourable Sir George Schuster**: 14½ million fine ounces of gold were exported from India between the 22nd September, 1931, and the 31st December, 1932, of a value of approximately 111½ crores. I have not got the exact figures for January, 1933.

**Mr. H. P. Mody**: Does my Honourable friend regard the continued export of gold as beneficial to the country?

**The Honourable Sir George Schuster**: I think my Honourable friend is as well aware as I am of the effects of the export of gold and I think he will agree with me that it has had certain beneficial effects on the condition of the country at present.

**Dr. Ziauddin Ahmad**: How will it affect his Reserve Bank with regard to which a Bill, I understand, is being presented before the Assembly?

**The Honourable Sir George Schuster:** What the private citizens of India do with their own private possessions does not have any very direct effect on the reserves which will be available for a Reserve Bank for India.

**Mr. Lalchand Navalrai:** Will the Honourable Member give the main reasons why he thinks the continued export of gold is advantageous to India at the present time?

**The Honourable Sir George Schuster:** The effect of the export of gold and the realisation of their holdings of gold by the people of India is this—that by falling back on their savings in that form they are able to maintain a standard of purchases of the necessities of life which they otherwise would not be able to do. The result is that in the case of India the consumption by India of goods has not declined to the same extent as the consumption of goods has had to decline in the case of other countries which rely on the export of primary products for financing their imports of merchandise. That, I submit, is of some advantage to the country.

**Mr. Lalchand Navalrai:** Is it not a fact that much of the gold exported is distress gold?

**The Honourable Sir George Schuster:** I am afraid my Honourable friend will have to enter into an elaborate explanation of what he means by distress gold before I can deal with that question.

**Mr. Arthur Moore:** Does the Honourable Member see the possibility of a small export tax on gold in order to benefit the exchequer and possibly establish a reserve for a Reserve Bank?

**The Honourable Sir George Schuster:** I can understand that an export tax on gold, if it had no effect on the export of gold, might benefit the exchequer; I do not understand what the connection between that and the Reserve Bank is. I can tell my Honourable friend that at present the proposal has not been seriously considered.

**Dr. Ziauddin Ahmad:** With regard to the term 'distress gold', has not the Honourable Member himself used this expression several times in his speeches?

**The Honourable Sir George Schuster:** I should hesitate to commit myself to any statement as to what I had on any occasion said, but if I have used the expression "distress gold", I think it must have been by way of calling attention to a popular phrase and with the intention of correcting the very misleading impression which that phrase conveys.

**Mr. S. C. Mitra:** If the present state of things continues, does not the Honourable Member think that in course of time India will be denuded of all her reserve gold? How then will she correct her balance of trade position?

**The Honourable Sir George Schuster:** The first thing that I would say in answer to my Honourable friend's question is this, that at present the quantities of gold exported represent a very small proportion of the gold



which is held in the country. The second thing that I would say is that, when my Honourable friend talks about India being denuded of her reserves of gold, he seems to imply that the gold held by private individuals is in some sense a reserve which the country has some right to claim the use of. That is a proposition which I think it is impossible to admit. Gold held by private individuals is private property and, if an individual feels that it is profitable to sell one class of his private property and invest the proceeds in some other form, I do not see that Government have any right to interfere with his doing so. Nor can I recognise that the interests of the country are thereby damaged.

**Mr. M. Maswood Ahmad:** Do Government propose to protect Indian gold by putting some export duty on gold so that the people of India may not send it outside, and, even if they send, the Indian Exchequer may be benefited?

**Mr. Arthur Moore:** In view of the high premium which has now existed for nearly 18 months on gold, has the Honourable Member any reason to suppose that a small export tax will substantially prevent the export of gold and, therefore, prevent the realisation of a considerable sum to the exchequer?

**The Honourable Sir George Schuster:** I think it will be agreed that it is very difficult to deal with questions of this kind in the form of supplementary questions and answers at this stage of the House's proceedings: it would require a proper debate to deal with it. I am prepared to admit that if the premium on gold remains high and if the export tax is very small, it might possibly result in some revenue to the exchequer and no substantial interference with the course of the export of gold. If my Honourable friend can give me any guarantee on which I should be able to rely that the premium on gold will continue to be very high, I might be prepared to consider his proposal.

**Mr. Arthur Moore:** Would it not be possible to vary the export tax in accordance with the premium so that it should really be an excess profits tax upon gold?

**The Honourable Sir George Schuster:** I think my Honourable friend's suggestion would lead to very considerable administrative difficulties.

**Dr. Ziauddin Ahmad:** Is it not a fact that the Government have not increased their gold standard reserve and is it not a proper time for the Government to take steps to increase their gold reserves in the country?

**The Honourable Sir George Schuster:** Government have, since the beginning of 1931, increased their gold reserve to some extent: they have also been able very substantially to increase their reserves held in the form of sterling securities and that I may say is one of the results of the export of gold.

**Dr. Ziauddin Ahmad:** My question was, has the Government of India increased their gold reserves in India since England went off the gold standard, that is, from the 22nd September, 1931?

**The Honourable Sir George Schuster:** I am afraid I must ask my Honourable friend to put down a question—I could not answer it off hand; I have not got in my mind what exactly has happened since 22nd September, 1931.

**Dr. Ziauddin Ahmad:** In reply to a question it was said that there had not been any increase in the gold reserves: is it not a fact?

**The Honourable Sir George Schuster:** To what reply is my Honourable friend referring?

**Dr. Ziauddin Ahmad:** One of the questions in the last Session of the Assembly in reply to which it was said that there was no increase. I want to ask, whether, since that question was answered, there has been any increase in the gold reserve?

**The Honourable Sir George Schuster:** So far as I am aware, there has been no increase since that question was put. I was not here in the last Session and I am not sure to what question my Honourable friend is referring. But, speaking without reference to the records, I think my Honourable friend is correct in saying that in the last few months in any case there has been no substantial increase in the gold holding in the currency reserve.

**Dr. Ziauddin Ahmad:** Is it not desirable for the Government of India to purchase some of this gold which is available in the market? They have only to interchange paper and gold.

**The Honourable Sir George Schuster:** My Honourable friend is raising a very complicated issue in that question. I cannot deal with it fully in answer to a supplementary question. I hope it will be possible to take another occasion in which to deal with a matter which apparently excites a great deal of interest in this House.

**Mr. H. P. Mody:** Are we to understand from the Honourable Member's replies that Government do not contemplate any sort of control over or interference with the export of gold and that they regard the continued draining away of gold as a matter for rejoicing?

**The Honourable Sir George Schuster:** Except that, as usual, I would use somewhat more cautious words in expressing views, than my Honourable friend usually indulges in, I think my Honourable friend's question fairly correctly states the Government's position at present.

**Mr. Lalchand Navalrai:** May I know how long that rejoicing will go on?

**The Honourable Sir George Schuster:** I must now take the opportunity of correcting my assent to the word "rejoicing": we do not find any particular matter for rejoicing in this circumstance, but we recognise that it has been of very great assistance to the general financial position of the country, and I say, the country, as distinguished from the Government, since some of my Honourable friends seem to suggest that Government's interests are different from those of the country.

**APPEALS TO THE POSTMASTER GENERAL, PUNJAB, AGAINST THE ORDERS OF THE SUPERINTENDENTS OF POST OFFICES.**

104. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: (a) Will Government state the number of appeals received by the Postmaster General, Punjab, against the orders of Hindu Superintendents and Muslim Superintendents separately?

(b) Will Government state how many of these appeals were accepted in the case of Hindu Superintendents of Post Offices and Muslim Superintendents of Post Offices separately?

(c) Will Government state if a Hindu Head Clerk has been in charge of the branch dealing with appeal cases in the Postmaster General's Office, Punjab, during the whole year 1932-33 or a major portion of that year?

(d) Will Government state if orders on all these appeals were passed by the Postmaster General, Punjab, himself or by any of the Deputy Postmasters General? Will Government be pleased to give this information both in the case of time-scale as well as of selection grade officials in the Postal Branch of the Punjab Circle?

**Sir Thomas Ryan:** (a) and (b). Government are not in possession of the information, and its collection would involve an undue expenditure of time and labour.

(c) No.

(d) Orders on appeals from Selection Grade Officials and on those relating to serious punishments inflicted on time-scale officials were passed by the Postmaster General and on other appeals by the Deputy Postmasters General.

**RECRUITMENT OF THE MEMBERS OF MINORITY COMMUNITIES TO THE SUBORDINATE ACCOUNTS SERVICE IN THE DIFFERENT ACCOUNTS AND AUDIT OFFICES IN INDIA.**

105. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: (a) Will Government be pleased to state their policy in regard to the appointment of the members of the various communities to the Subordinate Accounts Service in the different Accounts and Audit Offices in India with reference to the orders issued in Government of India, Home Department, Memo. No. F.-176/25-Est., dated the 5th February, 1926, regarding the recruitment of members of minority communities?

(b) Is it a fact that in some of the Accounts and Audit Offices in India clerks belonging to majority communities, some of whom even failed to pass the Subordinate Accounts Service examination previously, have been appointed against permanent vacancies accruing after the issue of the above-quoted memorandum of 1926, when passed candidates from minority communities were available?

**The Honourable Sir George Schuster:** With your permission, Sir, I will deal with questions Nos. 105 to 112 together.

The attention of the Honourable Member is invited to the replies, laid by me on the table of the House yesterday, to identical questions Nos. 1673 to 1678 asked by Seth Haji Abdoolah Haroon on the 14th December, 1932.

**RECRUITMENT OF MUSLIMS AS SUPERINTENDENTS IN THE DIFFERENT ACCOUNTS AND AUDIT OFFICES IN INDIA.**

†106. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: (a) Is it a fact that either there are no Muslim Subordinate Accounts Service passed Superintendents in most of the Accounts Offices in India or the number of such Superintendents in one or two offices is considerably very small as compared with the total number of sanctioned posts in the office concerned?

(b) If so, will Government be pleased to state how the vacancies occurring in the cadre of the said service in the various Accounts and Audit Offices in India since the issue of the orders of the Government of India mentioned in the preceding question were filled in and also what steps, if any, were taken to appoint Muslims to the vacancies reserved for them in pursuance of the said orders?

(c) What action do the Government of India propose to take to remedy the grave omissions in the past, if any?

**RECRUITMENT OF MUSLIMS TO THE SUBORDINATE ACCOUNTS SERVICE.**

†107. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: Are Government aware that appointment to the Subordinate Accounts Service has been declared by the Auditor General to be departmental promotion for the purposes of the orders of the Government of India regarding recruitment of minority communities, and that this has affected adversely the members of the minority communities who have passed the Subordinate Accounts Service examination inasmuch as they are, in consequence of the said decision of the Auditor General, deprived of the preferential treatment allowed by the orders of the Government of India mentioned above?

**RECRUITMENT OF MUSLIMS AS DIVISIONAL ACCOUNTANTS.**

†108. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: (a) Are Government aware that appointment to the establishment of Divisional Accountants (who are also under the control of the Provincial Accountants General) was previously considered as departmental promotion for purposes of the minority community rules, but the Auditor General decided in the year 1930 that the said appointments should not be so considered and that the orders of the Government of India regarding the protection of the interests of minority communities should be observed separately in respect of that establishment?

(b) Is it a fact that appointments both to the Subordinate Accounts Service and Divisional Accountants Establishments are made approximately on one and the same lines, and, if so, will Government kindly state what justification there is for the differential treatment in the case of the two establishments so far as the application of minority community rules is concerned?

**REPRESENTATION OF THE MEMBERS OF MINORITY COMMUNITIES IN THE SUBORDINATE ACCOUNTS SERVICE.**

†109. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: (a) With reference to the facts mentioned in the preceding questions and with the object of securing a fair representation of the members of minority communities, in the Subordinate Accounts Service, are the Government of India

†For answer to this question, see answer to question No. 105.

prepared to direct that appointments to the Subordinate Accounts Service should not be treated as departmental promotion for purposes of the minority community rules?

(b) If, however, for any adequate reason, Government are not prepared to issue orders as suggested in part (a) above as standing orders, are they prepared to issue such orders subject to the condition that they will remain in force at least for such time as the communal inequalities in respect of the Subordinate Accounts Service in the different Accounts and Audit Offices are not redressed?

#### DEARTH OF MUSLIM CLERKS IN THE ESTABLISHMENT SECTIONS OF THE ACCOUNTS AND AUDIT OFFICES IN INDIA.

†110. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: Is it a fact that there is a dearth of Muhammadan clerks in the establishment sections of the Accounts and Audit Offices in India?

#### ADVANCE INCREMENTS TO MUSLIMS IN THE ACCOUNTANTS GENERAL'S OFFICES.

†111. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: Is it a fact that no Muhammadan has ever been allowed an advance increment in any Accountant General's Office in India? If so, why?

#### VACANCIES IN THE CLERICAL ESTABLISHMENT OF THE ACCOUNTANT GENERAL'S OFFICE, UNITED PROVINCES, RESERVED FOR THE MEMBERS OF MINORITY COMMUNITIES.

†112. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: How is it proposed to fill up the vacancies in the clerical establishment of the Accountant General's Office, United Provinces, reserved for the members of the minority communities? Are not the members of these communities available from the men retrenched as a result of the amalgamation of Accounts and Audit?

#### RIOTS IN ADEN.

113. \*Mr. Gaya Prasad Singh: (a) With reference to the disturbances in Aden in May, 1932, has the attention of Government been drawn to a report in the *Bombay Chronicle*, dated the 16th November, 1932 (page 12) in which it is stated that in Aden "people were panic-stricken to such an extent that prominent people have been since taking extra precautions for their safety. Evening promenade for a single person along our local chowpatty (Holkat Bay) except with one or more attendants has become impossible"? Has any enquiry been made into the causes of the disturbances, and any official report issued? If not, why not?

(b) Is it a fact that about nine Jewish houses and 22 shops were entered into and looted by Arab hooligans, and about 50 Jews were injured, some very seriously?

(c) Is there any truth in the allegations made by Mr. Joseph J. Yaish in the *Jewish Chronicle*, dated the 1st July, 1932, that "El Farhi" Synagogue of the Jews in Aden was forcibly entered into, holy books

desecrated, and the furniture smashed; that the native police, as well as the armed police, both composed of Arab units, were inefficient, and could not check the riots; that acts of violence and looting were committed before them, and they simply stood by and watched the outrages; and that several cables were despatched abroad some of which were detained by Government?

(d) Why were cables detained, and are Government prepared to point out their objectionable character, if any?

(e) Has there been any exodus of Jews from Aden, in consequence of the panic and feeling of insecurity prevailing among them? If so, what is their approximate number?

**Mr. H. A. F. Metcalfe:** (a) Government have seen a copy of the newspaper report referred to. The attention of the Honourable Member is invited to the reply given to his question No. 32, dated the 5th September, 1932. No official report was issued as all news of interest had appeared in the Press.

(b) 23 Jewish shops were broken open and property taken, but in only three or four cases was that property of any considerable value. 23 Jews received injuries. The only person seriously injured was a Moslem (a Somali).

(c) A small Jewish synagogue was entered by Moslems and a certain amount of damage done in it. The fact that no Jews were fatally or seriously injured and that more Jewish premises were not broken into was due to police protection. The police made about 120 arrests and about 60 or 70 Arabs were deported as a result of their action. The accusation that some of them stood by and watched outrages may be founded on the fact that the police guard on the Treasury and a policeman posted specially to guard the house of one of the principal Jews were under orders not to move from their posts in any circumstances. Some cable messages were detained by Government for reasons stated in reply to part (d) of this question.

(d) Cables were detained in consequence of the censorship imposed by the Chief Commissioner, Aden, under the provisions of the Indian Telegraph Act, 1885, Section 5(1) (b) which authorises the detention of messages on the occurrence of any public emergency or in the interests of public safety.

(e) Government are not aware of any exodus of Jews from Aden.

**Dr. Ziauddin Ahmad:** Is it not a fact that the root cause of this disturbance is the Balfour Convention?

**Mr. H. A. F. Metcalfe:** I have no reason to think that there is any truth in the suggestion made by the Honourable Member.

**Mr. Gaya Prasad Singh:** With regard to the answer to part (d), are Government in a position to point out the objectionable character of the messages that were detained?

**Mr. H. A. F. Metcalfe:** I understand from the Chief Commissioner of Aden, that some of the messages which it was proposed to send and which were detained contained a great amount of untrue and exciting matter.

### RIOTS IN ADEN.

114. **\*Mr. Gaya Prasad Singh:** (a) Is it a fact that the petition of Mrs. Rachel J. N. Moses, Aden, dated the 5th December, 1932, to the Chief Commissioner of Aden for enquiry, under section 25-A of the Bombay District Police Act, into her claim for compensation in respect of damages to property and grievous hurt to her husband, has been rejected? If so, on what grounds?

(b) Is it a fact that no claim for compensation for damages to properties of many Jews, in Aden, which were looted during the Aden riots last year, has been allowed by the authorities? If so, why?

**Mr. H. A. F. Metcalfe:** (a) Yes. Under section 25-A of the Bombay District Police Act the procedure in cases of damage caused by riot is to determine the local area the inhabitants of which were responsible for the damage and to recover compensation from the residents of that area. In this case the majority of the offenders did not reside in Aden but came from the interior and elsewhere. They possessed no property of value in Aden and it was therefore impossible to recover any compensation from them for payment to Mrs. Moses.

(b) Yes. The Government of India accept no liability to pay compensation for losses occasioned by civil disturbances.

**Mr. Gaya Prasad Singh:** Are Government aware that about 37 Jews presented their cases for compensation under the Bombay District Police Act for properties looted, but their claims were disallowed? I have got a list of these people.

**Mr. H. A. F. Metcalfe:** They are aware of that fact, and I have just explained to the Honourable Member the reason why it was impossible to accept the applications for compensation under that particular Act.

**Mr. Gaya Prasad Singh:** Are Government aware that they did not want compensation from the Government, but only under the Act, out of the people who were found guilty of the offences of looting.

**Mr. H. A. F. Metcalfe:** That is precisely the case; but for the reasons which I have already attempted to explain in my answer to part (a) of the question, it was impossible to obtain compensation from the actual persons who were mainly responsible for these offences since none of them resided in any area to which this Act applies.

**Mr. Gaya Prasad Singh:** May I take it that the majority of the people who were guilty of the offence of looting came from the interior and that no step was taken by the local police to prevent their movements?

**Mr. H. A. F. Metcalfe:** My information is that a number of people drifted in from the interior and took part in these disturbances,  
12 NOON. and that they were the people who were mainly responsible for the losses for which these Jews claimed compensation.

**Mr. Gaya Prasad Singh:** My question was what action did the police take to prevent these hooligans from coming from the interior and creating these disturbances?

**Mr. H. A. F. Metcalfe:** The Honourable Member will understand that it is impossible to prevent individuals from coming in. Many of them were probably present there before. They did whatever damage they found it possible to do and then departed in the same way as they had come.

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### STATEMENT OF BUSINESS.

**The Honourable Sir Joseph Bhoré (Leader of the House):** Mr. President, with your permission, I propose to make a statement regarding the course of Government business next week. Only two days, namely, Monday, the 6th, and Tuesday, the 7th February, are allotted to Government business next week, and I propose to utilise them as follows. To begin with, on Monday, we propose to proceed with the consideration of the Children (Pledging of Labour) Bill. Thereafter there will be several motions for reference of Bills to Select Committees, in order that full advantage may be taken of the days available for the meetings of Select Committees. These Bills will include the Land Acquisition (Amendment) Bill, the Indian Railways (Amendment) Bill (relating to the proposal to give railway companies certain powers to run motor services), the Auxiliary Force (Amendment) Bill, the Wireless Telegraphy Apparatus Bill and the Indian Medical Council Bill. If time permits, on Monday, we propose also to move for the consideration of the Report of the Select Committee on the Indian Merchant Shipping (Amendment) Bill which was laid on the table on the 14th November last.

On Tuesday, the 7th, Government will move for consideration of certain small Bills, and will proceed with any business left over from Monday. The small Bills in respect of which we shall move for consideration will include the Indian Marine (Amendment) Bill, the Indian Forest (Amendment) Bill, the Indian Railways (Amendment) Bill (relating to a proposed enhanced punishment for pulling alarm cords), and the Repealing and Amending Bill. The Honourable Member for Industries and Labour will also move that the Payment of Wages Bill should be circulated to elicit opinion.

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### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Harry Haig (Home Member):** Sir, I lay on the table the information promised in reply to starred question No. 1679 asked by Mr. B. N. Misra on the 14th December, 1932.

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### DEALINGS OF PATHAN MONEY-LENDERS WITH THEIR DEBTORS EMPLOYED IN THE IMPERIAL SECRETARIAT.

\*1679. The Senior Superintendent of Police, Delhi, has so far received two complaints of molestation by Pathan money-lenders. In both cases the complainants did not desire the Police to take any action against the Pathans concerned, who were nevertheless warned not to molest them.



**Mr. P. B. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred questions Nos. 1842 and 1843 asked by Mr. E. H. M. Bower on the 21st November, 1932;
- (ii) the information promised in reply to starred questions Nos. 1870 and 1871 asked by Mr. D. K. Lahiri Chaudhury on the 22nd November, 1932;
- (iii) the information promised in reply to starred question No. 1491 asked by Mr. Gaya Prasad Singh on the 28th November, 1932;
- (iv) the information promised in reply to unstarred question No. 204 asked by Pandit Satyendra Nath Sen on the 21st November, 1932;
- (v) the information promised in reply to starred question No. 1534 asked by Pandit Satyendra Nath Sen on the 5th December, 1932; and
- (vi) the information promised in reply to unstarred question No. 75 asked by Mr. N. M. Joshi on the 27th September, 1932.

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#### QUALIFICATIONS FOR APPOINTMENT AS TRANSPORTATION INSPECTORS, COMMERCIAL, ON THE EAST INDIAN RAILWAY.

\*1342. (a) Yes. Men appointed to such posts are required to have practical experience in Goods duties as well as general knowledge of Coaching duties.

(b) The candidates are required to pass an examination in goods and coaching working, known as the "Goods Accounts Examination".

(c) Such men may, if necessary, be put through a refresher course if and when they work as Transportation Inspector, Commercial.

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#### QUALIFICATIONS FOR APPOINTMENT AS CHIEF CLAIMS CLERK IN THE OFFICE OF THE DEPUTY CHIEF COMMERCIAL MANAGER, EAST INDIAN RAILWAY, CALCUTTA.

\*1343. (a) The qualifications required are, special aptitude for Commercial work, intelligence and education with ability to guide, direct and control the staff subordinate to him.

(b) Not necessarily.

(c) No.

(d) None. But preference is given to men who have passed the Goods and Coaching Accounts Examinations and also possess qualifications as stated in reply to part (a).

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#### ALLEGED CALLOUSNESS OF THE EAST INDIAN RAILWAY AUTHORITIES.

\*1370. (b) and (c). The Agent of the East Indian Railway reports that a full investigation into the case had already been made by him. The facts of the case are that a third class passenger named H. C. Bhattacharjee was injured between Etawah and Cawnpore while travelling by 8 Down Express. The injuries were of a simple nature consisting of a lacerated wound on the lower part of the right leg and scratches on the right knee. It is apparent from the nature of the wounds that the passenger was sitting or lying with his legs out of the window and it is probable that he was injured as a result of the legs having come into contact with an open wagon floor.

### RENDERING OF FIRST AID TO INJURED PASSENGERS ON STATE RAILWAYS.

\*1371. (a) Yes. First Aid equipment is carried by guards on all passenger trains.

(b) The Agent of the East Indian Railway reports that neither the passenger nor his friends informed any railway official of the injury until the train reached Cawnpore when First Aid was offered to the injured person by the Platform Assistant there and he was asked to detain for Medical treatment but declined to do so and insisted on travelling by train.

(c) At Allahabad a Railway doctor attended the train and re-dressed the wound which had been originally bandaged by a fellow passenger and asked the man to get down so as to receive proper medical care and attendance at the Allahabad Railway Hospital but he refused to do so. At Moghalsarai the patient allowed his injuries to be attended to but refused to alight from the train. At Gaya again the patient refused to leave the train for Medical treatment.

(d) Such arrangements are already in force.

### SUPPLY OF WINTER UNIFORMS TO THE ANGLO-INDIAN TICKET COLLECTORS ON THE NORTH WESTERN RAILWAY.

\*1491. (a) and (b). The Agent, N. W. Railway, reports that the Dress Regulations of the Railway have recently been revised and in many categories uniforms formerly provided yearly are now provided biennially as a matter of economy. When this revision was originally made the scale for Indian Ticket Collectors was changed, and not that of the European Ticket Collectors, but as soon as the Agent noticed this discrepancy he gave orders that the New Regulations should prescribe winter uniforms biennially for all Ticket Collectors instead of annually as in the past.

### INTIMIDATION OF EMPLOYEES SEEKING REDRESS OF GRIEVANCES THROUGH THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

204. The Agent, Bengal and North Western Railway, reports as follows :

(a) This is not a fact.

(b) (i) Injury resulting in the total failure of one eye was sustained by Chhedi, fitter, on the 22nd November, 1930.

(ii) The fitter resumed duty on 2nd February, 1931, under a fit certificate.

(iii) The fitter was allowed to resume and continued work for about six and a half months as a fitter before it was ascertained that he was no longer fit for this particular employment.

(iv) The case for compensation was represented by the Association to the Agent.

(v) No reply was given by the Agent as the Agent does not enter into correspondence with the Association in matters concerning individuals.

(vi) Compensation was paid on the 17th August, 1931, through the Commissioner for Compensation under the Workmen's Compensation Act.

(vii) The fitter was paid off on the 20th August, 1931.

(viii) This case was not open to reconsideration as, owing to this man having lost an eye he was, under the Medical rules of the Railway, not up to the standard of eyesight required for the post of fitter. As there was no vacancy in any category to which this man was eligible it was not possible to retain him in employment and he was accordingly settled up.

(ix) The Agent wrote to the Commissioner to the effect that the fact that the fitter having lost an eye rendered him no longer fit for employment as a fitter, in which capacity he was previously employed and that as there were no vacancies available in those categories to which a one-eyed man might be appointed he was discharged from service.

(c) A fit certificate was granted in this case by the Principal Medical Officer to certify that the injuries had healed and that, from a purely medical point of view, Chhedi was again physically able to resume work, but the issue of this certificate did not imply that the loss of the eye would not preclude the man from working as a fitter.

As regards the reply to the second part of the question, the Honourable Member is referred to the reply given to part (b) (iii) of the question.

(d)(i) Injury resulting in the total failure of one eye was sustained by fitter Ali Jan, on the 7th August, 1931.

(ii) and (iii). The fitter resumed duty on the 24th September, 1931, under a fit certificate and worked as fitter until the 4th November, 1931, when he was discharged. In the meantime his accident compensation claim had been prepared and submitted to the Commissioner, and he was discharged as no other suitable occupation in which a single eyed man could be placed without endangering himself was available.

A communication was received from the Bengal and North Western Railwaymen's Association representing his case for compensation, but the case had already been submitted to the Commissioner.

### HOURS OF EMPLOYMENT OF ELECTRICIANS, TRAIN EXAMINERS, ETC., UNDER THE DIVISIONAL SUPERINTENDENT, HOWRAH, ON THE EAST INDIAN RAILWAY.

\*1534. The Agent, East Indian Railway reports as follows :—

(a) The Electricians on the Howrah Division are classed as continuous workers under the hours of employment Rules and are rostered to perform 56 hours duty every week (or 9 hours 20 minutes daily for 6 days in a week). The train Examiners on the Howrah Division are classed under different categories according to the nature of their duties. When classed as Intermittent workers they have different hours of employment within the prescribed limit of 84 hours per week. When classed as continuous, their hours of employment vary between 48 and 56 hours which is within the prescribed limit of 60 hours a week averaged over a month, for continuous workers.

(b) The working hours of the classes of staff mentioned vary on different Divisions as the men work to rosters to suit local conditions. Further in the case of Electricians, there are three provided on the Howrah Division while there are two on the Dinapore Division. The daily working hours of these staff on these Divisions are different but the total working hours per week averaged over a month in the case of these men who are classed as continuous workers are 56.

The hours of duty of the Train Examiners must necessarily vary from the Electricians as their duties are different. There are some Train Examiners who owing to the nature of their duties are classed as intermittent while there are others who are classed as continuous.

So long as the total working hours in any week do not exceed 84 in the case of intermittent workers and the total weekly working hours averaged over a month do not exceed 60 in the case of continuous workers there is no infringement of the hours of employment rules.

### CONFIRMATION OF CERTAIN ANGLO-INDIAN OFFICERS ON THE GREAT INDIAN PENINSULA RAILWAY.

75. (a) and (b). The number of Anglo-Indians confirmed as officers in 1931 is three. All of them were confirmed in the Lower Gazetted Service and are not eligible for the Lee Concessions.

(c) and (d). Out of the subordinates confirmed in 1931 in the Superior Service, four have been admitted to the Lee Concessions and all the four registered their nationality as 'European' on first entering the service.

(e) The Agent Great Indian Peninsula Railway reports that he is not aware of any such case.

(f) Does not arise.

(g) The passage concessions to non-superior officers of non-Asiatic domicile were sanctioned with effect from the 1st April, 1930.

**Mr. H. A. F. Metcalfe** (Foreign Secretary): Sir, I lay on the table the information promised in reply to starred question No. 1569 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 5th December, 1932.

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**UNQUALIFIED PERSONS APPEARING FOR LITIGANTS AS LEGAL PRACTITIONERS  
IN AJMER-MERWARA.**

\*1569. Formerly some such abuse of the system of "recognized agents" as is indicated in the question did come to light in the Ajmer-Merwara district. To remedy this, Section 21 of the Ajmer Courts Regulation, 1926, was amended by the Ajmer Courts (Amendment) Regulation, 1932. The only persons now allowed to appear as recognised agents in addition to those specified in the Civil Procedure Code, First Schedule, Order III, Rule 2, are:—

- (a) persons specially employed to act as agents of Istimrardars or Jagirdars and
- (b) Vakils or other persons authorised to act for Princes or Chiefs.

No complaints are now being received and no further action is required.

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**Mr. G. S. Bajpal** (Secretary, Department of Education, Health and Lands): Sir, I lay on the table the information promised in reply to starred question No. 1601 asked by Shaikh Fazal Haq Piracha on the 6th December, 1932.

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**PROVISION OF PROPER DRAINAGE IN KAROL BAGH, DELHI.**

\*1601. (a) and (b). There are no drains in the Karol Bagh area and the lane referred to by the Honourable Member is in much the same condition as other lanes in that area.

(c) Yes.

(d) Yes, but unless sewers are laid along the main roads and satisfactory arrangements made for the disposal of sullage and storm water, the mere construction of drains along any particular lane will not serve any useful purpose.

(e) Government are aware that action has not been taken because of lack of funds. As Honourable Member is aware, the present financial stringency is responsible for the holding of many measures, as urgent and as important as the one to which he has referred. As soon as the financial situation improves, the requirements of Karol Bagh will receive consideration along with other urgent projects.

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**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I lay on the table the information promised in reply to starred question No. 1494 asked by Mr. M. Maswood Ahmad on the 28th November, 1932.

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**TRANSFER OF POSTAL OFFICIALS AFTER A TENURE OF THREE YEARS.**

\*1494. (a) Of 12 head clerks in Circle Offices who have been holding their present posts for over three years, seven are Hindus.

(b) Yes.

## THE INDIAN INCOME-TAX (AMENDMENT) BILL.

**Secretary of the Assembly:** Sir, under Standing Order 78, I have to report that three petitions as per statement laid on the table have been received relating to the Bill further to amend the Indian Income-tax Act, 1922, which was introduced in the Legislative Assembly on the 18th February, 1932, by Sir Hari Singh Gour.

*Petitions relating to the Bill further to amend the Indian Income-tax Act, 1922, which was introduced in the Legislative Assembly on the 18th February, 1932.*

Number of signatories.	District or Town.	Provinces.
28	Barisal . . . . .	Bengal.
9	Hooghly. . . . .	Bengal.
20	Malda . . . . .	Bengal.
57		

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, as the first three motions stand in my name, may I crave your indulgence and the indulgence of the House to move item No. 2, namely, that the Bill further to amend the Indian Income-tax Act, 1922, be referred to a Select Committee. I do so, because I think that it is likely to take a very few minutes, and then we can go on with the first and the third items. May I do so?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member's request necessitates a variation in the result of the ballot. If that request meant an infringement of the rights of other Honourable Members, the Chair could not agree to such a procedure, but in this particular case the Chair does not see any objection to granting the request of the Honourable Member, and I take it that the House has no objection.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadian Rural): No, Sir; we have objection. Either my friend should give up his right to move the first motion, or . . . . .

**Pandit Ram Krishna Jha** (Darbhanga *cum* Saran: Non-Muhammadian): I also object.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I would ask Honourable Members who object to this procedure to kindly stand in their seats.

**Mr. Amar Nath Dutt:** Sir, I understand that even if one Member objects . . . . .

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** I do not think that the Chair is bound to uphold the objection of even one Honourable Member in a case of this nature. As I made it clear, if the request of Sir Hari Singh Gour meant an infringement on the rights of any other Honourable Member, the Chair could not agree to accede to such a request, but since the first three motions on the Order Paper stand in the name of the Honourable gentleman, the Chair does not think that the granting of that request would infringe on the rights of any other Honourable Member. I, therefore, took it for granted that the House would have no objection, but if I find that there is a very substantial volume of opinion in the House that is opposed to such a procedure, then the Chair will be bound to respect that feeling.

**Mr. Amar Nath Dutt:** May I point out, Sir, that it infringes on the rights of the other Members in this way. My friend can either move this motion or he can say that he will not move it at all today and he loses his right, but if he wants to have both these things afterwards, that is a procedure to which I object, and I think the Chair will consider that it infringes on the rights of other Honourable Members, because we want to have a decision on this matter now. The Honourable gentleman now finds that he cannot proceed with the Bill for dissolution of marriages with success, and, therefore, he wishes to wait for the time when it can be easily passed by the presence of more heterodox Members. I, therefore, submit that under these circumstances, the Honourable Member should be asked to go on with the Bill for the dissolution of marriages now as it is first on the list.

**Pandit Ram Krishna Jha:** Sir, I support the objection.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Will Honourable Members who object to this procedure kindly stand in their seats?

(Only a few Members stood in their seats.)

I do not think that there is any substantial volume of opinion, and I, therefore, allow Sir Hari Singh Gour to proceed with the second motion standing in his name.

**Sir Hari Singh Gour:** Sir, very few words are necessary to commend this motion to the acceptance of this House. The motion that I wish to make is as follows:

"That the Bill further to amend the Indian Income-tax Act, 1922, be referred to a Select Committee consisting of the Honourable the Finance Member, Diwan Bahadur Harbilas Sarda, Mr. Gaya Prasad Singh, Mr. Amar Nath Dutt, Mr. C. S. Banga Iyer, Sardar Sant Singh, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. B. V. Jadhav, Mr. R. T. H. Mackenzie, Rao Bahadur S. R. Pandit, Raja Bahadur G. Krishnama-chariar, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Honourable Members will remember that when, on the last occasion, I moved for the appointment of a Select Committee and when the motion for circulation was carried, I made it clear that I did not stand committed to the draft of the Bill which I had asked the Secretary of the Legislative Department to re-draft for me in accordance with the main principle of

[Sir Hari Singh Gour.]

my Bill which I then stated to be that there should be some popular control in the matter of assessments and that an appeal to a tribunal unconnected with the taxing authorities should lie against all assessments. I understand that the Honourable the Finance Member is sympathetically disposed to the second principle of my Bill. In these circumstances, subject to the views of my Honourable colleagues in the Select Committee, I should be quite prepared to compromise with him. I, therefore, ask that the House should send this Bill to the Select Committee for such revision as it might think proper to make. All that we have been fighting for is that the taxing authorities should not sit in appeal over their own assessments, and that is a principle which has been supported by a large body of public opinion, and, as I understand, the Honourable the occupant of the Treasury Benches is not opposed to this very elementary principle which I have been advocating in this House, I move the motion that stands in my name.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Income-tax Act, 1922, be referred to a Select Committee consisting of the Honourable the Finance Member, Diwan Bahadur Harbiles Sarda, Mr. Gaya Prasad Singh, Mr. Amar Nath Dutt, Mr. C. S. Ranga Iyer, Sardar Sant Singh, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. B. V. Jadhav, Mr. R. T. H. Mackenzie, Rao Bahadur S. R. Pandit, Raja Bahadur G. Krishnamachariar, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I strongly support this Bill as I did it on the last occasion. After we had spoken then, Sir Alan Parsons delivered a speech for which, in the usual course of things, we had not a right of reply. What I cannot understand still from the tenor of his speech is what really is the attitude of the Government to the most important provision in this Bill. Sir, we do not want any revolutionary changes. We do not want that the Government should not levy this income-tax even if it went to the extent of a pound of flesh and more. All that we want is that when you bleed us, bleed us in such a manner that you might get what you want and we might still live to create more blood for you so that you might bleed us again. What happens at present is that the income-tax officer, whose official life depends practically on the largest number of collections that he is able to make, is himself the judge. This pernicious system has crept in every new legislation that is brought in, and the latest is this Income-tax Act. The most important provision, as I understand the Bill—I have not read it very carefully—is that the man who has to decide finally what should be the income-tax that an assessee should pay, ought not to be the person whose duty is to assess and earn his reputation as a very efficient income-tax officer. You know that the test of efficiency in the Government is the amount of money that a man can collect for the Government. It is the same in the revenue department, it is the same in every department where Government collect money. The most curious instance that took place was during the floods of 1924 in Southern India. There was a huge flood in the river Coleroon, in which 18 feet of water ran and it had almost touched the top of the flood bank. I happened to own some valuable lands next to the flood bank, and I

wrote to the divisional officer to send some of his men to watch the bank so that it might not burst. I never had a reply. We had to put up a gang of our own who slept there day and night, but fortunately the flood subsided and we were saved our lands. Some time later, I met the Superintending Engineer and complained to him how the overseer or the divisional officer neglected his important duty and excused himself by saying that he had some trees to auction—some of the jetsam and flotsam that come in these floods. The Superintending Engineer said that, like the wise man that he is, the divisional officer adopted the course he did as thereby he got some money for the Government while by watching our bund he would not have been able to make any money at all and, therefore, would not be able to show his efficiency. Of course, he was joking with me, but that is the real mentality of these officials. What we want is, by all means take the money that you want, but take it in a reasonable and judicial manner. Take it in a way that would be just both to you and to us. That is the real point, and it is impossible for any reasonable man to imagine how Government can oppose it. However, they have opposed it, they have chosen to oppose it, but God willing, we hope to get it through in spite of the opposition of the Government. Sir, I support the motion.

**The Honourable Sir George Schuster** (Finance Member): With your permission, Sir, I would like to intervene at this stage to make a very short statement as regards my own position in the matter. I trust that I shall also have the opportunity, if this debate goes on, to reply more fully, but I think it is right that I should let the House know at once before the discussion continues, as to what the Government's attitude on this matter would be.

Our attitude as regards the Bill, as it was originally drafted, is that we must entirely oppose it in that form. Since my Honourable friend moved his original motion at the Simla Session, the Bill has been circulated and we have received a great body of opinions. I think I may claim that the vast majority of those opinions is against the Bill in its present form, but I am prepared to concede that there runs through a great many of the opinions that raise very strong objection to the Bill in the form in which it stands now—there runs through those opinions a line of thought which indicates that there is a feeling in the country that some sort of measure is required which will give an outside check on the working of the income-tax officials. I do not wish in what I say now to be drawn into any discussion of the merits of that feeling. I should have a great deal to say in answer to much that has been said or is likely to be said in the House on this Bill if the debate were allowed to proceed, so that I do not wish my silence on that matter to be interpreted as acquiescence with the charges that have been made against the income-tax administration. What I do want to say is this, that we do not want to disregard what we feel ought to be accepted as a strong expression of opinion. The mere fact that this Bill itself received the support of 54 Members of the Assembly naturally influences us a great deal, and I have been trying, in the short time which has been available since the opinions were all received, to consider whether there is any way in which we could meet what I am prepared to agree is a fairly strong expression of opinion. Now, there is one opinion among those which we have received—the opinion of the Bombay Society of Accountants and Auditors—which makes a proposal which I am willing to say that Government would be prepared



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sympathetically to consider. It is a proposal for the constitution in each province of a final tribunal of appeal. The suggestion is that there should be a tribunal in each province to be composed of three referees only, two referees being of the rank of High Court Judges and the third referee being of the rank of the Commissioners of Income-tax. The opinion goes on as follows:

"The referees should be appointed, transferred or removed only by the Secretary of State in Council on the recommendations in that behalf of the Chief Justice of the High Court of the province concerned. The tribunals thus composed shall be judicial bodies specially meant for adjudicating upon all questions of facts and law arising from the Income-tax Act and they shall not be under the control of the Central Board of Revenue, but shall be under the control of the High Courts of the respective provinces or under the Supreme Court in India whenever the same is established. Any proceedings before the proposed tribunals shall be deemed to be judicial proceedings under the law of the land."

Now, there are a great many points in that particular proposal which would of course require very careful consideration. There are many details of those provisions which I should not be prepared now to say that we should accept in any unqualified way, but the main idea is that there should be this final tribunal of appeal, a tribunal composed not of laymen but of highly qualified individuals. Now, if the feeling of the House were that that is the sort of measure which they require and that the constitution of tribunals of this kind would give them that sort of outside check on the operations of the income-tax officials, then, as I have already said, I think the Government would be prepared sympathetically to consider a proposal on those lines. But there are certain difficulties in the way of translating this attitude on the part of the Government into conduct in relation to this particular Bill. We have felt that as it stood we must absolutely oppose the principle of the Bill and, for a statement on the principle of the Bill, I must refer to what my Honourable and learned friend said when he was originally moving the consideration of the Bill. He said there that he and his friends who had sponsored the measure had two main objects in view. One is that over all assessments there must be some measure of popular control and, secondly, that against an assessment an appeal should lie to and authority unconnected with the assessment. Now, I think that what I have said shows that the Government attitude could be brought into accord with the second object, but if it is part of the principle of my Honourable friend's Bill that there should be some measure of popular control and if those words are taken to mean what on the face of them they must mean, then I am afraid we must oppose the principle of the Bill, because we feel that any attempt to introduce popular control in the form of adding a number of laymen to the work of the officials in the early stages of assessment would create an absolutely impossible situation and one which would be administratively unworkable. But if the principle of the Bill is no more than what is referred to in the second object, namely, that that principle would be satisfied by the setting up of some sort of tribunal, such as I have described as an ultimate court of appeal, then we can say that we are not necessarily in disagreement with the principle of the Bill.

Now, Sir, I should have very much preferred in these circumstances if we were to proceed on the lines which I have said that Government

will sympathetically consider that my Honourable friend would have agreed to withdraw his Bill and introduce another Bill which might closely approximate to what I have in mind. My Honourable friend, I think, is anxious to get on with this matter and he feels that such a course would involve considerable delay. My view on that is this, that if we are quite certain, if my Honourable friend makes it quite certain that he is not going to press in Select Committee for the retention of a measure on the lines which he has now drafted, but that he would come into line with me and attempt to work out a measure on quite different lines which would aim at setting up this tribunal that I have described, then I should not object to this measure going to a Select Committee. But we must have that very clearly understood and when I say that I think I may claim that that would be the attitude not only of the Government but of a great many other Members of this House.

There is one other point which I must make absolutely clear and that is that if the Bill were to be so altered from its present shape as to be transformed into a Bill for setting up these final tribunals, then we feel very strongly that it would again have to be circulated for opinion. We feel that it would be absolutely essential that the High Courts, for example, should have an opportunity of expressing their opinion on the matter. There are many technical questions involved, particularly as regards the relations between these tribunals and the High Courts and we could not possibly commit ourselves to supporting the Bill without ample opportunity being given for further expression of opinion. There is only one other point I think I need add; that is this. The actual proposal in the opinion that I have quoted is for the constitution of tribunals in each province. If that proposal were to be adopted, the cost would be very considerable. If there are to be three officers of the standing referred to as members of each tribunal, I think we may say that the annual cost of each tribunal would be something like 1½ lakhs and if there is to be a special tribunal of that kind for every province, the total cost will be, as Honourable Members can calculate, something like 14 or 15 lakhs for the whole of India. We do not think that would be necessary or that that course would be justified. If this proposal is to be proceeded with, and if we find, on further examination, that we can support it in its final form, then I think I may say that we will certainly take the line that, at any rate to start with, the provinces should be amalgamated for this purpose, and that there should be not more than, say, four tribunals for the whole of India. Our own belief and the advice that I have received from the officers of the Department, who are very experienced in this matter, is that appeals, from the tax-payer's point of view, to a tribunal of this kind would not be very frequent, and that the work would not require the setting up of a tribunal for each province. But I must make it clear to the House that if they intend to support the proposal on these lines, it will involve some additional expense—not expense in the region of crores such as my Honourable friend's proposal would have meant—but expense on the scale of six lakhs or so as the immediate cost of tribunals, and, secondly, some fairly considerable additional expense in the case of the Income-tax Department, because it will be necessary, if this procedure is adopted, to follow a much more elaborate process for the recording of evidence in the early stages of the discussion of assessments. That, Sir, is the Government's position; and if my Honourable friend can make his own position clear, and, after having made it clear, if we are satisfied that it is in accord with our

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own position in the matter and if my suggestion commends itself generally to the House, then I am prepared to say that we should see no objection to this Bill going to a Select Committee. I hope the House will recognize that in taking this line I am doing my best to meet what I believe to be a generally felt feeling, but I do not in any degree resile from my position with regard to my Honourable friend's original Bill or from my dissent from the charges that in the early discussions have been made against the officials of the Income-tax Department.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I do not propose to discuss the efficiency or the reverse of the Income-tax Department. I would certainly have induced the Mover of the Bill to withdraw the present Bill and present a new one as suggested by the Honourable the Finance Member had it been possible to achieve the object within the Session, but unfortunately the procedure is so complicated that it will practically mean the withdrawal of the Bill altogether. Now I consider two principles to be the important principles of this Bill, and we on this side of the House would always press these two principles. These two principles are that the question of income-tax ought not to be regulated by confidential circulars and confidential instructions. Now, these instructions, whatever they may be, issued to these officers ought to be public property and the Members of this House should have the opportunity to discuss them from the point of view of the tax-payers. The second principle to my mind is that if there be any appeal against the action of a certain officer, then the appeal should be heard by an independent person, and it should not be heard by the same person or by persons sharing the same interest. I press it in the interest of justice, and this is the practice in other Departments. How it can be achieved, is a question of detail which we might discuss in Select Committee. If the Honourable the Finance Member has no objection to these two principles which I have enunciated, then I would request him to withdraw his objection and to allow this Bill to go to a Select Committee.

**Sir Hari Singh Gour**: Sir, I am very grateful to the House for giving my Bill such a great and sympathetic reception. I am also grateful to the Honourable the Finance Member for giving me at any rate half a loaf, which is better than no bread. Sir, as I said at the outset of my speech on the last occasion, the two underlying principles for which I have been struggling are the principle that there should be some measure of popular control over all assessments, and, secondly, that all assessments should be open to appeal before a tribunal unconnected with the assessing Department. My Honourable friend, the Finance Member, is prepared to accede to the second principle, but he is not prepared to accede to the first principle. I think that he and I would perhaps be at one if I made it clear that the words "popular control" are a red rag to Members with a bureaucratic turn of mind. The moment you utter the word "popular", they open their mouth and raise up their hands in holy horror and they say, "if there is a popular control, where shall we be?" Well, Sir, you can ensure a popular control by having an independent tribunal which would be popular with the people, and you may have a control which would be unpopular with them. In asking for some measure of independent control, I did not necessarily mean that the control should be drawn from the market place. I meant that the control should be of a

detached and independent man or men who would be able to see that the assessee as well as the State both got fair play. In asking for that measure of justice and equity, I was drinking from the fountain of English law under which the general Commissioners are primarily and solely responsible for all assessments. In point of practice, because there is a salutary check, the hidden hand of the general Commissioner, the surveyor and the inspectors are careful and it happens that the mere fact that they are there operates as a very salutary control upon the vagaries of the permanent staff of the Department; and I have been assured that in England the general Commissioners, who sign all forms and under whose imprimateur assessments are levied and enforced, very rarely intervene with the surveyor's reports; and if such a system of control were instituted here, I am quite sure that the mere fact that they are there would be a sufficient check against the assessing Department exacting from the assessee whatever they could get. But as the Honourable the Finance Member says that some measure of control by way of appeals to a tribunal unconnected with the assessing authority is acceptable to him, I am quite ready as I have said to accede to his request that the Bill should go to a Select Committee for consideration of that control. The Honourable the Finance Member has given away his whole case by saying that if there is some control by a body independent of the assessing Department, then the income-tax officer would be more careful and record evidence more carefully and, may I add, also decide more equitably (Laughter), because he is afraid that his assessments would be subjected to an appeal to a detached and independent body. (Hear, hear.) And that is what we are fighting for and that is a point upon which there is a substantial body of public opinion in our favour, so that that point, at any rate, is clear.

Now, as regards the question of re-circulation, we cannot anticipate what the Select Committee will decide. We have a very strong Select Committee representative of all views and of all bodies. The Finance Member would be there and if it is the general wish of the Select Committee that the Bill has been so revised and so radically altered as to need re-circulation, I shall certainly not stand in the way. But I will only ask the Select Committee, as I am asking this House, that we are almost at the end of our tether. This is the last year and, perhaps, in the ordinary course, there would be a dissolution and I should, at any rate, like to pronounce my final benediction upon this Bill and see that it is transferred to the Statute-book before I lay down my office, and I am quite sure that Honourable Members on this side who are co-signatories with me are equally anxious that without the least possible delay this long-delayed measure of justice to the tax-payer should find its place on the Statute-book.

The last point that the Honourable the Finance Member raised was a question of cost, which is a mere flea-bite. The Honourable the Finance Member said that it would mean four tribunals and six lakhs of rupees. Now, what is the 6 lakhs of rupees when the tax comes to something like 20 crores of rupees? Well, Sir, the question of cost is not an impediment in the further progress of this Bill and I am quite sure that with the explanation that I have given and with the concession that has been made by the Honourable the Finance Member we shall now form ourselves into a happy family and go to the Select Committee and set our seal upon this much belated and long expected measure of public reform. (Applause.)

Sir, I move.

**The Honourable Sir George Schuster:** My Honourable friend has put me in something of a difficulty. I do not think that his reply—and I hope he will not take it amiss if I say this—has been an exactly fair response to my speech. He has imported a good deal of prejudice into this matter now and tried to make debating points out of the statement which I made. There are, moreover, certain points which do not appear to have been quite clearly understood in what I said. I said that the Government were prepared to give sympathetic consideration to a proposal made in one of these opinions, the proposal made by the Indian Society of Accountants and Auditors of Bombay. That proposal, as I thought I made it clear to the House, provided for the setting up of tribunals which would form ultimate tribunals of appeal, but it did not involve making any alteration in the present procedure by which cases would be heard until they came up to the Commissioner. The appeal to the tribunal would lie through the Commissioner and, before that stage was reached, the same procedure would be carried on as is now carried on. All that would happen is that there would be recourse to an ultimate court of appeal. ]

**Sir Hari Singh Gour:** I think I made it clear to the Honourable the Finance Member that I was agreeable to the suggestion that has been made by the Honourable the Finance Member and I call that half a loaf, namely, the suggestion that there should be an assessment and that the assessment should be subject to an appeal by tribunal unconnected with the assessing authority.

**The Honourable Sir George Schuster:** Provided my Honourable friend is clear on that point and the House is clear on that point that the proposal which we are prepared sympathetically to consider would merely be this that it will bring in at the end a court of appeal in the form of these tribunals, then there is no misunderstanding. But the speech made by my Honourable friend, Dr. Ziauddin Ahmad, seemed to convey a contrary impression. I think his idea was that there should be some change in the hearing of cases before they reached the stage of the Commissioner. There must be no misunderstanding on that. If the principle of the Bill is understood to be this that there would be any change in the procedure in the lower stages, then I am afraid the Government must oppose the Bill. That, Sir, is a point about which there should be no misunderstanding. My Honourable friend, Sir Hari Singh Gour, also misrepresented my position when he said that I had given away the case by admitting that the recording of evidence would in future cost more money.

**Sir Hari Singh Gour:** No, Sir, I never said that. My friend probably did not understand me aright. I was only stating that the first point which I was conceding was amply met by the statement of the Honourable the Finance Member that because there will be an appeal against the final assessment, the income-tax officer would be more careful and record more evidence before making the assessment.

**The Honourable Sir George Schuster:** Very well, I think, I may now take it that my Honourable friend did not mean to be offensive, and I am quite prepared to take that from him. I wish to make it clear, however, that what I said was not meant to imply that in future evidence would

have to be more carefully taken. All that I said was that the recording of evidence would have to be more formal and, therefore, more expensive. That is the position.

Now, Sir, I think the position of the Government is perfectly clear on this matter and, on that understanding, after what my Honourable friend has now said by his interpellations to my final remarks, I think I may take it that he agrees with me and that he will agree with me in the Select Committee in supporting a Bill which aims at no more than this, the setting up of a final court of appeal in the shape of tribunals constituted somewhat on the lines proposed in the opinion of the Indian Society of Accountants and Auditors of Bombay.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Others do not agree.

**The Honourable Sir George Schuster:** Well, Sir, my Honourable friend, Mr. Mitra, has said: others do not agree. In that case, I think I may take it that the opinion of the House is not in favour of supporting the measure in the form in which the Government could accept it and that they regard the principle of the Bill as going further than my Honourable friend who has moved the Bill has said. In that case I am afraid the Government must oppose the Bill going to the Select Committee. There must be no misunderstanding about this. I have tried to arrive at a result rather than to spend the time of the House in debating a subject on which I thought it might be possible to reach an agreement. If it is not possible to reach that agreement, the Bill, I think, must then follow the normal procedure and Government must make their case clear on this matter. I feel, however, that if I were now to enter into the sort of argument which I would have used in opposing the Bill as it stands, I would put my Honourable friend, Sir Hari Singh Gour, in somewhat of an unfair position, because he has exhausted his right of reply. I, therefore, would make this suggestion to you, Sir, that you would adjourn the House now and allow us to discuss the matter a little further outside the House in order to see whether we can clear up what appears to be the point of difference. If that suggestion commends itself to you, I would do my best to clear up the matter and carry on on the lines that I thought would originally commend themselves practically to the whole of the House. But we cannot allow ourselves to be put into a false position in this matter. If, in order to arrive at an agreement which, I think, will meet what I believe to be a strong feeling in the country, we are prepared to adopt the rather informal procedure of discussion before it goes to the Select Committee, I should do so because I wish to do my best to arrive at an agreement and meet the needs of the country without getting into a political controversy or wasting the time of the House. But if there is any doubt about it I must stand on my strict rights and ask for the right fully to represent the case of Government to the House. I must then oppose the motion for sending this Bill to Select Committee and I believe I shall receive the support of the majority of the House in that attitude. That, Sir, is my position. If you are prepared to consider the suggestion that I have made, it may provide a solution.

**Dr. Ziauddin Ahmad:** Sir, on a matter of personal explanation, I said very clearly that the principle of the Bill was that the appeal should lie to an independent authority. We are not going to oppose what the

[Dr. Ziauddin Ahmad.]

Finance Member has just suggested, but the thing that we suggest is that the Select Committee should be permitted to consider every possible manner in which the appeal could be made and not be confined to one particular manner of appeal to which reference is made. We cannot visualise it at present, and I think it should be left to Select Committee to consider what is the most practical and expeditious way of providing an appeal to impartial authority.

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce): Sir, it is very unfortunate that my Honourable friend, Sir Hari Singh Gour, should never rise above the temptation of making debating points, and I for one would be very sorry if the Honourable the Finance Member were to take him seriously when he was expounding the proposition that popular control was not really popular control. I think we ought to get away from these dialectical points and we ought to realise exactly what it is that we are asking the House to do at the moment. It is true enough that this Bill goes a great deal further than my Honourable friend, the Finance Member, is prepared to allow. But I think it is equally true that most of us,—and I mean even those who appended their signatures to the Bill,—realise that we cannot stick out for the whole of it. After all, what is it that the public desires, and to which this Bill is seeking to give expression? What the public desires is that those very people who are assessing to income-tax should not be also the judges when the public goes in appeal against the assessment. That really is the principle of the Bill, and I for one would be amply satisfied if all that was achieved by this Bill was some measure of control,—whether you call it popular control or unpopular control I do not care,—over the assessing authority, and that can be done by setting up an appellate tribunal. It may be a tribunal such as the Accountants' Society has suggested or it may be some other tribunal. All that we are concerned with is some tribunal which would independently arrive at a decision in respect of matters of assessment. The technical position is of course true that this House cannot lay down what the Select Committee should or should not do. But I think it is only fair to Government that those of us who have applied their minds to the subject and who take an interest in it should say right out here that we do not want that anything more should be achieved than that an independent appellate authority should be set up over income-tax assessment. And I think my Honourable friend, Sir Hari Singh Gour, realised when the Finance Member got up to speak a second time that he was unwise in making these debating points, and that he had given rise to a great many misunderstandings. I hope my Honourable friend, the Finance Member, will now realise that there is no room for misunderstanding and that the desire of most of us is that we should not tinker with the procedure of assessment, but that we want only to deal with the process of appeals. If that understanding is conveyed clearly to Government, I hope Government will immediately concede that this Bill should go to the Select Committee.

**The Honourable Sir George Schuster:** Sir, on the explanation of the position which has just been given by my Honourable friend from Bombay, I myself should raise, on behalf of Government, no objection to this Bill being discussed in Select Committee. I think the House is now

quite clear as to what our position is and I think my Honourable friends opposite have made their own position sufficiently clear to justify us in hoping that it will be possible in Select Committee to arrive at a Bill which Government will be able to support. If that is not possible, of course we shall have to oppose every clause of the Bill which emerges from the Select Committee.

**Mr. Deputy President:** The question is :

"That the Bill further to amend the Indian Income-tax Act, 1922, be referred to a Select Committee consisting of the Honourable the Finance Member, Diwan Bahadur Harbilas Sarda, Mr. Gaya Prasad Singh, Mr. Amar Nath Dutt, Mr. C. S. Ranga Iyer, Sardar Sant Singh, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. B. V. Jadhav, Mr. R. T. H. Mackenzie, Rao Bahadur S. R. Pandit, Raja Bahadur G. Krishnamachariar, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

## THE HINDU MARRIAGES DISSOLUTION BILL.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I beg to move:

"That the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion be referred to a Select Committee consisting of the Honourable the Law Member, Diwan Bahadur Harbilas Sarda, Raja Sir Vasudeva Rajah, Mr. S. G. Jog, Mr. S. C. Mitra, Sardar Sant Singh, Mr. N. M. Joshi, Rao Bahadur M. C. Rajah, Mr. A. Hoon, Mr. B. V. Jadhav, Mr. Muhammad Asghar Ali, Rao Bahadur S. R. Pandit, Mr. C. S. Ranga Iyer and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I hope, Sir, that this Bill will receive the same cordial support which my Bill which has just been committed to the Select Committee has received from such generously minded people as my Honourable colleagues in this House. I can only say that after this Bill went into circulation a very large body of opinion has been collected, and Honourable Members cannot forget that only the other day in the historic meeting of the All-

India Women's Conference held at Lucknow a resolution was  
 1 P.M. unanimously passed with acclamation that this Bill was too modest a measure and that its provisions should be enlarged so as to permit of a dissolution of marriage not only in the few stated cases contemplated by the Bill, but in other cases such as egregious misconduct on the part of the husband, or his wanton cruelty to the wife or his contracting other marriages or leading a life of immorality (Interruption) or, as my friend Mr. Reddi, supplements my remarks, his becoming an ascetic and, thereby, forsaking her for the rest of her life.

I do not propose to detain this House for long. Honourable Members who have spoken on this Bill on the previous occasion and friends outside who have opposed this Bill have done so on the authority and in the name of the Shastras and have emphasised the view that because a Hindu marriage is a sacrament, therefore it cannot admit of a dissolution. I can understand a sacrament or a sacrifice to be a sacrifice which is sacred to both the persons performing it, the husband and the



[Sir Hari Singh Gour.]

wife; but I cannot understand the meaning of a sacrament where the wife is sacrificed and the husband is free to multiply his wives regardless of the feelings of his wife. A great deal has been spoken on the subject of the Shastras and I do not wish to reiterate what has been said on both sides on the previous occasion. I do remember the extremely learned speech of my friend, Pandit Satyendra Nath Sen, to which a very apt and apposite reply was given by my friend, Mr. Jadhav, so that my friend, Mr. Sen, will remember that there are two sides to the question; and standing here as I do in support of what the Law Member, speaking on behalf of the Government, admitted was a humane measure and which I hope his successor, the Honourable Sir Joseph Bhole, will remember when he pledges the support or opposition or neutrality of the Government, that the measure I am standing for is a humane measure, the measure that I am asking this House to commit to the Select Committee is a measure which any impartial man, not indoctrinated into the arcana of the Shastras, will readily concede as requiring no argument, as needing no reason to commend itself; and it is on that ground that I ask this House to send this Bill to the Select Committee. Honourable Members have got a compilation of the large body of opinions that have been collected by the Government and circulated for the perusal of Members. I frankly admit, as I admitted on the last occasion, that the opinions of the communities on this subject are sharply divided. Those who are orthodox (Interruption)—and my friend says most of them are so—are opposed to this measure on the short ground that it is opposed to the sacramental notions of marriage and opposed to the Shastras. Those who stand on my side—and many of them are as orthodox as my friend, Diwan Bahadur Harbilas Sarda, has just now ejaculated he is—and as I feel that I am also a member of the same body, because on this occasion I am not deviating from the written letter of the Shastras, but am trying to give effect to the Shastras themselves. (Laughter.) I am here trying once more to reintroduce into the country the salutary Shastric texts which go far beyond the narrow compass of my Bill. To that extent and on that ground I account myself as orthodox as the most orthodox of my friends sitting around me. On other occasions I may improve on the Shastric texts for the sake of humanity, because I believe and firmly believe that there is a vitality and vigour in Hinduism which from time to time has adapted itself and will adapt itself to the surrounding circumstances, and as time goes on Hindu religion and Hindu society will so adapt itself as always to be, as it has been, in the van of human progress. It is in that spirit that I ask my friends to join with me in this measure not of social reform, in this measure not of any cataclysmic change in the written law, but in a measure which the voice of humanity proclaims as a measure of urgent necessity, a measure of barest justice to the womankind of this country. The cries of the women of this country have been raised. That cry has not yet been responded to by this House. Before many months elapse, that cry will be listened to and respected. Let us make ourselves worthy of the larger trust which the future constitution will place in us. Let us not for one moment forget that as we advance politically, we must equally advance in social matters and that political advancement will not endure unless we at the same time so reform our social institutions as to create in the country a feeling of national solidarity, a feeling of unity, a feeling of mutual confidence between classes and communities and between sex and sex. Let us begin reforming our domestic life, and I hope that this

small measure will be a harbinger for larger reforms in which the whole country will be fused into one homogeneous nation. Sir, it is in that hope that I rise to make this motion, and it is my fervent prayer to my Honourable colleagues on this side to calmly consider, to dispassionately ponder over the implication of their attitude of hostility to this measure, as to what it means to themselves, what it means to their sisters and daughters who are married into another family and let them recall the disappointments, the cruelty to which they are subjected by their husbands who re-marry, who ill treat them, and against their own blood relations married in their family who have no means of redress. Think of that, not of what you have got in the shape of a man's rights over women, but think also of the other side of the question, what suffering we inflict upon our womenfolk when we consign them to a life of utter destitution,—think of that, and then decide which way you shall vote. I am here, Sir, pleading for a cause, because I feel and feel very strongly that justice demands that our womenfolk should possess a small measure of redress against the wrongs to which they have been subjected. I feel, Sir, that there are many in this House who, if they were free to think for themselves, and were not rooted to hoary traditions,—and were not subservient to the voice of obsolete authority, would stand by my side, . . .

**An Honourable Member:** Question.

**Sir Hari Singh Gour:** . . . and say that we cannot understand how the Shastraic behests so just, so noble and so ennobling, both to the man and to the wife, have perished and got buried in the dust of ages. The first thing that we can do in this reformed Legislature towards the close of its life is to right this wrong and help the helpless women of India from their terrible misery to which they have given expression in their opinions printed and unprinted, submitted in the shape of petitions to this House, of which a few were reported by the Secretary this morning.

**An Honourable Member:** Some are with you.

**Sir Hari Singh Gour:** My friends behind me whisper to me in low tones and speak to me in ironical interruptions.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadian Rural): You ought to understand what it means.

**An Honourable Member:** They are not ironical, but respectful interruptions.

**Sir Hari Singh Gour:** My friends behind me say respectful interruptions, and my friends, Mr. Amar Nath Dutt and Pandit Ram Krishna Jha, say that I ought to understand what it means. I understand it too well, but what I ask my friends to do is to understand what the meaning of their interruption is, and when they retire from this Chamber, to give five minutes of calm, dispassionate thought to this question, and I am sure that they will come back in a more chastened mood, and as my friend, Pandit Ram Krishna Jha, says they will support me. I hope, Sir, this will be a good omen for the support I am likely to receive from so orthodox a friend of mine hailing from the sacred city of Benares, and I hope that my friend, Mr. Amar Nath Dutt, . . .

**Mr. Amar Nath Dutt:** From the historic town of Burdwan.

**Sir Hari Singh Gour:** . . . . will also follow suit and at any rate commemorate the historic town of Burdwan as the seat that at any rate has got one reasonable man who had the courage of his conviction. Sir, I move.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Motion moved:

"That the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion be referred to a Select Committee consisting of the Honourable the Law Member, Diwan Bahadur Harbilas Sarda, Raja Sir Vasudeva Rajah, Mr. S. G. Jog, Mr. S. C. Mitra, Sardar Sant Singh, Mr. N. M. Joshi, Rao Bahadur M. C. Rajah, Mr. A. Hoon, Mr. B. V. Jadhav, Mr. Muhammad Azhar Ali, Rao Bahadur S. R. Pandit, Mr. C. S. Ranga Iyer and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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

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The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

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**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): When this Bill was discussed on the last occasion, I moved that it should be circulated for eliciting the public opinion of that community which was affected by this legislation and also of the women organisations of that community that were likely to be affected by it. The Assembly approved of my motion and sent this Bill for circulation, and we have today received opinions from certain provinces in this country. I have to bring to the notice of the House that we have not so far received any opinions from the province of Madras, nor have we received any opinions from the province of Bombay. Coming as I do from Madras, which is well known to be strong in its religious faith, I should consider that the opinions that we have received so far are not complete enough for us to know how the public opinion views this matter. On the last occasion when I moved the circulation of this Bill, I knew perfectly well that public opinion on this Bill had been gathered in 1928 when my Honourable friend, Sir Hari Singh Gour, first introduced this legislation. My Honourable friend on that occasion withdrew that Bill, because public opinion then was acknowledged by him to be opposed to it. Four years later, when he brought it again before this Assembly, he made the statement that public opinion which was against him in 1928, had changed since then in his favour and that it was in favour of his Bill. I doubted whether public opinion was more in favour of his Bill last year than what it was in 1928, and that was the reason why I moved my motion for circulation. When the Assembly approved that motion, I considered that it wanted to know whether public opinion was more favourable to this Bill than what it was in 1928. As I have already said, we have not received all the opinions from the different parts of the country; particularly the province I have the honour to belong to has not

yet sent its opinion and so I feel a little delicate to speak on a matter like this, especially when I do not know the opinion of the people with whom I have to live. Notwithstanding all that, my Honourable friend, Sir Hari Singh Gour, has thought it desirable to push on with this measure, and today we have his motion for referring the matter to a Select Committee.

So far as the opinions which have been received on this Bill are concerned, the Honourable the Mover of this motion has not chosen to go into their merits, though he admitted that there was a cleavage of opinion. I have perused the opinions so far received from the other provinces carefully and I find that fortunately or unfortunately the opinions so far received are no more in favour of this Bill than they were in 1928. There can be no doubt that there are persons who are in favour of this legislation, but even those persons who are in favour of this legislation did not agree with the provisions of the Bill, as I will presently show. The various Local Governments which were consulted in this matter have also expressed opinions, apart from the merits of the provisions of this Bill, as my Honourable friend, Mr. Ranga Iyer, on a previous occasion pointed out, that this Bill was inopportune at the present time. As regards the Government of India, I am sorry to say, they have on this occasion as well as on the last occasion maintained an attitude of neutrality. I do not think that they were indifferent as regards the dissolution of a marriage. On the other hand, instances are not wanting when the Government themselves adhere to the principle of indissoluble marriages. For instance, we have the marriage of the rupee with the sterling which of all marriages Government want to be an indissoluble marriage and then a marriage is being arranged between the Bank of England and the yet to be born Reserve Bank of India, in spite of the Sarda Act. Even Government, as some of us, should pay more attention to the people who are directly concerned with this legislation. After all, whatever the views of the Government may be, they have got to administer this law and unless a substantial majority of the people to be affected by this legislation is in favour of it, it would be difficult for the Government to enforce a law which the community affected does not want. It is in that view that I would invite the attention of the Honourable Members of this House to the opinions so far received. I have to do so, because my Honourable friend, Sir Hari Singh Gour, has not chosen to refer to them.

With regard to Delhi, I find that the Hindu Sabhas which have been consulted are strongly opposed to this Bill. That was the opinion received from the District and Sessions Judge of Delhi. Coorg was in favour of this measure. Coming to Bihar and Orissa, here the opinion of the Government was that the Bill was much in advance of its time and would, if passed into law, be either harmful or infructuous. Then they say that the great weight of Hindu opinion is opposed to any legislation permitting the dissolution of a Hindu marriage. Then, Sir, we have the opinion of a High Court Judge of Patna where he says that no case is made out for starting divorce among the Hindu community which seems to have got on very well all these years without it. Now we come to the United Provinces. The opinions which have been received show that orthodox Hinduism is for the most part strongly opposed to any measure of this kind and the Governor in Council sees no reason, therefore, to modify the opinion expressed previously. Then the Vice-Chancellor of the Allahabad University, Dr. Ganga Nath Jha, says that the proposal is entirely repugnant to the very basic principles underlying the institution of Hindu

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marriage and then we come to Rai Avadh Bihari Lal Bahadur, M.L.C., who says that the measure is premature and inopportune. Then, Mrs. Kailash Srivastava is in favour of this Bill. Then we come to Sri Bharat Dharma Mahamandal of Benares. They are opposed to it and they have given very lengthy reasons for opposing this measure. I do not want to trouble the House with a list of the reasons they have given. I would invite attention to the opinions of Justice Mukerji and Justice Ghosh on page 15 of the opinions and also Justice Sen. They have all opposed this measure. Then we come to Purnima Devi, widow of an I.C.S. officer. She is in favour of this Bill and, if I may be permitted to say so, she has also made some criticism of some of us in this House. For instance, she has referred to my Honourable friend, Mr. Das, who unfortunately is not here. She says:

"Mr. B. Das, the first dissentient Member, has no time for social reforms, but he is suspicious of the Doctor, the Lawyer and the modern woman. I wonder if he still favours a harem".

Then she has referred to Pandit Sen with whose views she does not agree. Then she has referred to me and says:

"Mr. Raju wishes that a man should be equally free to dissolve marriage if the wife is not virile or she is stupid or suffers from leprosy or consumption. As far as I know, a man is always free, much more so, when the woman is suffering from some defect."

The lady forgets that there is the obligation to give maintenance. However, I do not want to criticise these remarks. They afford very interesting reading. Then there is Rai Rajeshwari Prasad who is against it. So is also the Honorary Secretary of the Arya Sabha of the United Provinces. The Oudh Bar Association is also against it. Then we come to the Central Provinces. Here, again, I find that contrary to the wishes I then expressed that the opinions of only those people who were affected should be collected, opinions have been invited from Assistant Commissioners and people who are not Hindus. I do not propose to

3 P.M. read the whole of the opinions that have been received from the Central Provinces—opinions expressed by people who do not belong to the Hindu community. Then, Sir, we come to Ajmer-Merwara and there also we find the opinion held that this Bill was inopportune and should be opposed on religious grounds. Then we come to Bengal and here also, Sir, we find opposition. At pages 28 and 29 of the opinions, we find Rai Sahib Mahim Chandra Batavyal, Registrar of Assurances, Calcutta, saying that he is opposed to the Bill. The next opinion is also opposed, so that I find that even in Bengal there is opposition to this measure. I need not mention all the people in this list, because what I have given is enough.

**Sir Hari Singh Gour:** The Ministry of Education in the Government of Bengal see no objection to the Bill on principle.

**Mr. B. Sitaramaraju:** My friend evidently has misunderstood me. I say, whoever asked the Non-Hindu persons' opinions about it? I am referring to the Hindu community.

**Sir Hari Singh Gour:** The Ministers are some of them Hindus.

**Mr. B. Sitaramaraju:** There is a solitary Minister who is a Hindu and if his opinion is in favour of it, I can refer to several opinions which are not. For instance, Rai Satish Chandra Mukherji Bahadur, M.L.C., is opposed to the Bill. Then. . . . .

**Sir Hari Singh Gour:** What about Mr. Rajendra Lal Sadhu?

**Mr. B. Sitaramaraju:** Then the Commissioner of the Rajshahi Division says:

"Even if the underlying principle of the Bill is conceded, it must be pointed out that there are inherent blemishes in the Bill itself. It does not distinguish between unions in which the husband suffers from mental or bodily defects at the time of the marriage and those in which he becomes impotent, mad or leprous later in life. . ."

Then, again, the Commissioner of the Presidency Division says:

"The majority of the District Officers of this Division are opposed to such an enactment."

Then, again, Sir Nalini Ranjan Chatterjee is found opposed to it. Sir Bipin Bihari Ghosh is opposed to the Bill. Mr. S. N. Mallik is opposed to the Bill.

Then, again, Mrs. K. C. De says:

"No one will disagree with him if this be the purpose of the Bill, though many will ask why the privilege is to be granted to a Hindu wife only and not a wife professing any other religion, nor to a husband who discovers his wife to have been subject to the same disabilities at the time of the marriage."

Then, another lady, Mrs. Anurupa Devi, says:

"I am opposed to the proposed Bill. In my opinion, the Hindu Marriage Dissolution Bill introduced in the Legislative Assembly by Sir Hari Singh Gour, Kt., M.L.A., ought not to be passed into law for the following reasons:

(a) Marriage in Hindu society is a 'sanskar', i.e., a sacrament, and not a contract and, as such, is not dissoluble till death;

(b) Such a drastic change will affect the foundation of Hindu marriages and thereby throw the whole of the Hindu society into disorder;

(c) The idea of dissolution of Hindu marriages is and ought to be revolting to the right-thinking chaste Hindu woman;

(d) The Bill, if passed into law, will be a very powerful instrument in the hands of evil-minded men and women for their own ends and will be a source of throwing society into disorder by creating instances which will incite others to follow their examples."

and so on, in the same strain.

She is totally opposed to this Bill and she has given very full reasons.

Then, the Eastern Bengal Saraswat Samaj, Dacca, are opposed to it. Then, we find the Marwari Association opposed to it. The Bangiya Brahman Sabha are also opposed to it. Then we find even the British Indian Association are opposed to it. The Rajshahi Association are also opposed to it. All these opinions are from the first batch of opinions so far received, and I find that the opinions hailing from the Punjab also are opposed to it. The Sanatana Dharam Pratinidhi Sabha, Punjab, says:

"This Sabha is definitely of opinion that the said Bill is fundamentally against the sacred principle and higher ideal of indissolubility of marriage tie amongst the Hindus."

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And, then, they say :

"It was said during the debate that the opinions of the Hindu women were not taken on the previous occasion and now it was deemed necessary to do so. I am positive that leaving aside a few Hindu women who, like the male zealous social reformers, are brought up under the baneful influences of the western civilization, an overwhelming majority of them will surely condemn the very idea underlying this Bill and wherever such an opinion has been taken by the Sabha they have in unmistakable terms refused even to hear such a thing at all."

Then, take the case of the opinions hailing from Burma. They say that there is no need for any Bill of this description.

**An Honourable Member:** Because this system already exists in Burma.

**Mr. B. Sitaramaraju:** I was speaking of the Hindus of Burma and I am only referring to their opinions on this question. Then, Sir, as regards Assam, I have got here opinions that they also consider that the Bill is inopportune. Then, again, with regard to the North-West Frontier Province, the opinions there expressed show that the Hindu people there are opposed to the Bill. This is from the opinions of selected members of the Hindu community of the Peshawar District :

"We are opposed to Sir Hari Singh Gour's Hindu Marriage Dissolution Bill on religious and social grounds,"

and they have forwarded a number of other papers and on each copy I have my notes in the margin,—“Opposes”, “opposes”. So I shall not trouble the House with extracts, but shall only say that the opinions so far received are all opposed to the motion. I have not hidden anything in the nature of opinions which have been received and which favour this Bill. I have read them and some of them are indeed in favour of this Bill, but if I had the time I would certainly have referred to a few of those opinions where they state that though they support a system of divorce for Hindus, they think that the Bill, as framed by Sir Hari Singh Gour, will not achieve that purpose. With regard to the very eloquent appeal made by the Honourable the Mover of this motion, it is necessary for us to know what exactly we are asked to do in this House. This Bill is intended to affect the Hindu community. Now it does not affect the whole of the Hindu community, because there are a large number of Hindu castes in whose cases there does prevail by custom the privilege of divorce.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): What about the question of sacrament?

**Mr. B. Sitaramaraju:** My friend, Mr. Jadhav, is impatient. I said that this Bill did not affect the whole of the Hindu community. There are already sections of Hindus who do enjoy by custom a wider right of divorce. But this Bill purports to affect the portion of the Hindu community which holds that marriage is a sacrament. My friend, the Mover, stated that that was not the true interpretation of the Shastric law. He gave us lengthy quotations. Now, such an interpretation of the Shastric law was shown to be incorrect on a previous occasion and it is not necessary for me to cover the same ground again. It will

suffice for my purpose to say that so far as the Hindu community is concerned, it is for this House to say whether you should force upon such of those people who hold it as a sacrament the other view that it should not be held as a sacrament. That is the only question involved in this Bill. If we approve of this motion for reference to a Select Committee, we would be accepting the principle of this Bill; that is to say, we would agree with Sir Hari Singh Gour that the rendering of Hindu Shastraic law is to the effect that nothing could be held as an indissoluble bond, a bond in the nature of a sacrament. He wants in the very preamble of his Bill to say:

"Whereas it is expedient to remove certain doubts regarding the dissolution of marriage of persons professing the Hindu religion".

Now, to my mind, no such doubt ever existed, that is, whether purely from the point of view of Hindu Shastraic law such a thing would be valid. That is what is involved in this Bill. Clause 2, the operative part of the Bill, prescribes certain disabilities. In this connection also I would like the House to remember that persons who marry under the Special Marriages Act are already entitled, even if they belong to castes which have not got the customary right, to the right of divorce. This Bill does not affect them. They have got powers much wider than this. Those, who are under the obligation of a religious sacrament, have relief by way of refusal of restitution of conjugal rights for disabilities of this kind. As they cannot dissolve the marriage, the whole question reduces itself to this that sections of Hindus, who consider that their marriage is a sacrament, are wrong in holding it to be so and that the Shastras, as interpreted by Sir Hari Singh Gour, are correct, and that, if so, we should give legislative sanction to that view. The Bill is for that purpose and for that purpose only. There is one great difficulty which I hope not only the Honourable Members, but the Mover of this Bill also would very patiently hear and consider. It is this. This Bill is for a dissolution of marriage. I venture to submit that if this Bill becomes law, the very purpose for which this Bill is intended to be passed into law by Sir Hari Singh Gour would be defeated. A distinction has to be made between invalidity according to which there is no marriage and dissolution where marriage is recognised, but now avoided. The Bill speaks of a dissolution of marriage. Therefore, once a woman's marriage is dissolved under this Bill, I submit, she cannot re-marry. Evidently my friend thought that she had a right to re-marry, but the legal opinion which has been gathered on this point has made it clear that if a woman gets a dissolution of marriage under this Bill, she cannot be entitled to re-marry again if she belongs to a caste which gives no second marriage to woman. The customary law would prevent her from re-marrying. This point has engaged some of the best brains of advocates in Madras and the legal opinion that was then expressed was that this Bill gave the Hindu widow, for whose benefit it is intended, a worse position than she has even now, because she would be deprived of the maintenance which she is entitled to have under the Hindu law while she gets no relief by way of re-marriage. The moment a marriage is dissolved, what becomes of the woman? She has no legal claim against the husband and, therefore, she is not entitled to maintenance. Then comes the customary law which prevents that woman from marrying again. She is, therefore, put in a worse position. Notwithstanding the legal knowledge and acumen, I am afraid, my Honourable friend has evidently overlooked this point. With all his love for the betterment of the womenfolk, he is putting



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them, by means of his Bill, in a worse position than they occupy now. Not only that was the view of lawyers, but of some of the women themselves. I have here one opinion from a lady from Madras. Mrs. Subha-Lakshmi, Secretary of the Sarada Ladies Union, says thus:

"The marriage dissolution Bill, moved by Sir Hari Singh Gour, if passed into law, will only place women in a more pitiable position than they are at present."

And she gives the very reasons that I have just now mentioned. She will let go her right for the maintenance and will be entitled to no relief under the law by way of re-marriage. Therefore, I think that the most proper course for any gentleman, whether it is Sir Hari Singh Gour or any other Honourable Member, would be to ask this Legislature to revise the whole of the Hindu Law from top to bottom. That would be far better than to enact this piece-meal legislation not knowing what harm we are doing and what mischief we are creating. I would, therefore, respectfully request the Honourable the Mover of this motion to withdraw his Bill and bring in a consolidated measure to revise the whole Hindu Law and, if need be, the very basic principles on which it is based. But, in the guise of trying to make the lot of Hindu women much better, you are going to make them suffer for your folly not knowing what the effect of your legislation is going to be. There are three fundamental points which should be borne in mind when you come to the question of the Hindu woman. First of all, her economic position is to be considered. Unless her economic position is improved by making her independent, you cannot do much to improve her position. She must also have the necessary knowledge and education, otherwise she would not be in a position to benefit from anything that you may like to do for her.

**Sir Hari Singh Gour:** Then she will not apply for dissolution.

**Mr. B. Sitaramaraju:** Then, Sir, the few people who have been in support of this legislation have markedly referred to the only clause in the Bill, namely, clause 2, which says that a woman is entitled to dissolve her marriage for certain defects in the husband. The Honourable the Mover never said whether the defect, impotency, should occur before the marriage or after the marriage. In England, there is the law that impotency which occurs in the male after marriage is not a ground for the dissolution of marriage, while the Catholic Church of course always considered that marriage was a sacrament and indissoluble in any case. Further I would like to draw your attention to an incorrect statement which my Honourable friend made in the Statement of Objects and Reasons. He says that disabilities like imbecility, lunacy and such other things have deprived the Hindu of his right to property. This is not correct. Imbecility was never a ground for depriving inheritance or rights to property though congenital idiocy is. In 1928, this very House passed a legislation which removed the disabilities the Hindus were suffering. My Honourable friend, Sir Hari Singh Gour, prepared this Bill in 1928 and he then drafted the Statement of Objects and Reasons and placed it before the Legislative Assembly. Subsequent to the introduction of this Bill, the Bill of 1928 removing disabilities was introduced and passed. Unfortunately, my Honourable friend never took note of that fact and he stuck to the original form in which those statements were drafted.

**Sir Hari Singh Gour:** My Honourable friend perhaps does not know that the Bill of 1928 was sponsored by me. It only related to the country subject to the law of Mitakshara whereas, so far as Dayabhaga law is concerned, the whole Shastric law still prevails. Therefore, in the Statement of Objects and Reasons those disabilities which I was a means of removing for the Mitakshara country and which still exist in the case of the Dayabhaga country are referred to and, therefore, the statement is perfectly correct.

**Mr. B. Sitaramaraju:** I am thankful to the Honourable Member for the explanation he has now given, but he ought to have mentioned that in the Statement of Objects and Reasons. We, who follow the Mitakshara law, were certainly misled, and are not very well conversant with this aspect of the disabilities under the Dayabhaga law. Therefore, I am not in a position to dispute that proposition. It may be so. However, in the interests of the very people whose welfare Sir Hari Singh Gour has at his heart, I would ask him to consider whether he would be doing them a good turn by means of this legislation and whether it is not advisable for him to withdraw this measure at this stage and bring in a measure of a kind which will satisfy all and which will not put us into further complications and difficulties. After all, Hindu law is a complicated machine. If you remove a part here and a part there and substitute novelties, it may spoil the machine and ruin the purpose. Overhaul the whole, if you please, but avoid uncalled for meddling here and there. These are all the remarks that I wish to make, Sir, at this stage on this Bill.

**The Honourable Sir Joseph Bhore (Leader of the House):** Sir, if I intervene at this stage, it is merely in order to make the position of Government quite clear in this matter. Government propose to adopt an entirely neutral attitude and to take no part either in the discussion or in the voting on this Bill.

**Maulvi Muhammad Ghafar Doodi (Tirhut Division: Muhammadan):** Sir, I rose at the very beginning of this debate after the Lunch in order to make my position clear on this question as well as of those Muslim Members of this House with whom I had an occasion to talk. We have no doubt that the object of the Bill is a laudable one and we do want that the oppressed wives should have some remedy in cases which are enumerated in the Bill. At the same time, we feel that in a delicate matter like this, we ought to be very cautious. There is no doubt that helpless women have got the right to approach the Legislature of this country in order to get some remedy for the wrongs that are done to them. It is for the community to judge whether they will not allow that wrong to be remedied outside the Legislature. If they do not allow that wrong to be remedied outside the Legislature, certainly the oppressed wife has got no other forum to go to. But, in a Legislature such as ours is constituted, we feel that matters of this kind should be decided in a different way altogether. Some convention should be established by which the communities affected by the legislation should have a right to decide the question themselves. I feel and I have felt on many occasions that my friend, Sir Hari Singh Gour, put the Members of this Assembly to a very awkward position by bringing in legislation of that sort. He should make the position more clear by asking the members of the communities

[Maulvi Muhammad Shafee Daoodi.]

affected by the legislation to vote for the measure. If that is the position taken by him, I can understand it and we can lend our moral support to him. But to ask the whole House to vote on a question which affects a particular community and affects the very delicate relations between husband and wife is certainly putting the Members of the House in a very awkward position. I, therefore, wish to state that some of the Muslim Members of this House, with whom I had occasion to talk, as well as I myself, do not like to vote on this question although we wish to give our moral support to the objects of the Bill which has been introduced.

**Bhai Parma Nand** (Ambala Division: Non-Muhammadan): Sir, I have very great respect for the learning of the Honourable the Leader of the Opposition in this House. At the same time I appreciate his genuine feeling of love and care for the good of his community; but with all that I stand to oppose this Bill.

I do not want to discuss this question from the Shastraic point of view as that was very fully and elaborately discussed at the time when the Bill first came before this House. But one thing which I have to say with regard to this is that, in spite of certain references here and there, which might allow an annulment of marriage, we know it as a fact that the Hindu community as a body has solidly stood opposed to any kind of dissolution of marriage, during all its life. Besides, from the body of opinions that we have gathered we know that the vast majority of Hindu opinion is still opposed to this as it has been all along during the history of our people.

The Honourable the Mover has appealed to us to adopt this as a measure of social reform on the ground that after taking this step, a great field would be opened before us to make us a solid and healthy nation. I have to say that so far as social reform goes, I am not very orthodox. I do not belong to the conservative school. I know that the circumstances of this country have changed and we have even to make certain amendments and changes in the commands of our Shastras whenever and wherever necessary, in order to adapt our community and ourselves to the changed conditions. But, Sir, I find myself unable to believe that this question of the dissolution of marriages has anything to do with social reform. We have had a very lucid and appealing speech referring to the pitiable condition of the Hindu women in which it has been argued that we should allow this Bill to pass simply as a measure of barest justice to women and as a matter of urgent necessity for the amelioration of their condition. Sir, I wish to say that it is yet to be seen whether there is any necessity for a measure like this. There are no doubt plenty of women in this country whose condition is pitiable and who can be called destitute and miserable, but it is a question if their misery and destitution are due to the system of marriage that has been prevailing so far in our country. There is poverty in the country, there is destitution in the country; but we cannot ascribe this destitution and misery to any system of marriage that prevails in the country. These two things are entirely independent of each other and are not connected as cause and its effect.

Sir Hari Singh Gour has brought three definite causes on which the right of a dissolution of marriage should be permitted to the wife. They are impotency, imbecility and leprosy of her husband. Sir, I have lived pretty long and I have travelled throughout India. There is practically no province to which I have not gone and I can say, out of my own experience, that I have never come across any case in which there has been a need for divorce on account of the imbecility or leprosy of any person. I have seen lepers, but I have never seen a case where the wife has been in need of a divorce, because her husband became a leper or imbecile some time after the marriage. I am not a lawyer, but from my common sense, I can say that in order to show that a law is needed to remove a certain trouble, we have to prove its need by showing that there are cases and a great many cases which cannot be remedied without enacting a new measure to meet them. As I have not seen any case in which a wife thought of wanting a divorce on account of the imbecility or leprosy of her husband, I say there is no need of enacting a measure which cannot relieve any woman from any trouble.

The third case is of impotency. With regard to this, I would say that the cause is really very doubtful in so far as we do not know what the term 'impotency' means. There are degrees of impotency and the question is, who is to decide whether the husband is really impotent? There may be wives who are themselves barren or of a bad character and they might abuse this plea and claim dissolution saying that their husband is impotent while the man may not be suffering at all from this disease. Then, there is another thing. This impotency is a sort of nervous disease or weakness and, in this country, there are plenty of advertisers who advertise remedies for it. The one medicine which is sold above all others in this country is the supposed cure for impotency. Many young men and even elderly persons are fond of buying these imaginary cures for an imaginary trouble to such an extent that no one can say if these people are suffering from such a disease. Again, Sir, the disease may be a temporary phase which lasts for a short time and the man feels all right when his nervous weakness goes off. It would be a funny thing, if, during the period of one or two months when a person is suffering from that weakness, a wife brings up a charge against her husband that he is suffering from impotency and that she be permitted to get a divorce on that account. All these three causes which are considered to be the main grounds for the annulment of marriage, that is impotency or leprosy or imbecility, are troubles practically not to be found in our society at all, and this Bill does not provide a remedy for any ills that exist or which cause any suffering to womankind. I don't think, therefore, that a case has been made out for enacting the proposed measure. To make up a case, we have to show that there is a great amount of trouble in the country for which we are seeking a remedy and that the proposed measure is that remedy. Therefore, I do not see any need of suggesting and supporting such a measure, because it is, practically speaking, of no use or service to the community in any way.

There is another thing. This measure will be a sort of double-edged weapon. Supposing you give permission to women to get dissolution of marriages on these small counts; then men also would be entitled to have similar dissolution of marriages for similar excuses; and if this annulment of marriage goes on like this, I think you will practically break down

[Bhai Parma Nand.]

the institution of marriage and along with it, the whole system of family altogether. As I said just now, anyone of these troubles might attack a person somewhat later in life. If a man does begin to suffer from such a disease, I think it would be no credit to his wife to go and seek a divorce from him. Thus there would be ample justification for a husband to give up his wife if she is attacked by an infectious disease. This would reduce value of marriage to zero, and would be worse than a false friendship. It reminds me of a story found in the books that are read by school boys: Two companions went together in a jungle. They were talking of friendship when they saw a bear coming. At once one of them got up a tree. The other, not knowing how to climb, fell on the ground as if dead. The bear came, and seeing him motionless, thought that the man was dead. The bear then went away. Now, the man, who had gone up the tree, climbed down and asked the other what the bear had whispered into his ears on which the other man replied that the bear had said: "Do not trust false friends". So, I say, if dissolution is allowed on such pretexts, the system of marriage and family life would become even worse than this false friendship. Is it less surprising that late in life when a man is fifty or so, after a married life of twenty or thirty years, he might get a certain trouble and then the woman goes and says: "Here is a fellow who has got such or such disease and I do not want to live with him". If that is the ideal of marriage and if we allow wives to get divorce on such grounds, it would be nothing less than cutting at the root of the whole system of Hindu society. Not only this, but as I was saying if husbands were also allowed in a similar way to get divorce from their wives, then, instead of these few women—perhaps a few per thousand—who may be suffering now, there will be millions of women who would be divorced; and, in this poor country, where it is difficult even for men to find out jobs as means of living, it will be very difficult for such women to go about and seek their own living or seek new husbands for themselves. No doubt there are certain societies where divorce is allowed and where society has been going on that system; its members have got used to it and they have the right to live according to their own ways and according to their own laws; but, all on a sudden, to make a fundamental change in the system of the Hindu society and to run the risk of getting a whole society ruined by such hasty innovations will surely be the outcome of this measure, and, instead of doing any reform, we will be bringing a great calamity upon that society. For these reasons, I say, that this Bill should be withdrawn by the Honourable the Mover.

**Mr. C. S. Banga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, after the speech of my friend from the Punjab who, I think, is in a position to speak for the Hindu community better than many Members in this House, I would suggest that in a measure of this kind the exercising of a certain amount of caution will not be superfluous. The Government, under the leadership of Sir Joseph Blore, have laid down a very good precedent in regard to matters affecting the community in which the community is very much divided; and that precedent, I hope, will be followed in future when controversial legislation affecting the community will come up before this House. I also thank the Honourable Member from Bihar who spoke for his community, clearly stating that in

matters affecting one particular community the other community would rather play the role of a spectator than an actor by not walking into particular lobbies. That is a very good precedent. Living as we do at a time when we cannot shut our eyes to what is coming, I would ask the Leader of the Opposition whether he should rush headlong with this piece of legislation; for I clearly visualise, in this country, when parties will have to be formed and the opinion of constituents will have to be ascertained, that the formation of parties will be more or less not on communal lines, nor so much on political lines as on lines of social reform. We will have conservatives on the one side and radicals on the other. The political radical of today may be a conservative of tomorrow and the conservative of today will be a radical of tomorrow. We can have a glimpse of the future from the tremendous agitation progressing in the country today in regard to a particularly urgent measure of social reform. As parties will have to be formed on the lines I have mentioned, must we hurry matters here and now, matters which have not disturbed the public mind, especially when Sir Hari Singh Gour happens to be the leader of a party in this House and the president of a party outside this House which, I believe, commands the future, if only it cares to go out into the country with a strong social reform programme and political programme. Such being the case and, after having heard the opinions mentioned on this side of the House, I would respectfully suggest to him to consider carefully whether he should press this motion to a division. If he chooses to press it to a division,—I at any rate propose to serve on the Select Committee having consented to serve,—I may not walk into one lobby or another. I personally think that it will be good for us to wait and help the formation of parties in the future. Each country like each individual has to make its choice. The West has made its choice. India has made her choice also. If you want to teach an American religion you have to preach through sociology. If you want to preach to a European religion, you have to teach him through politics. Politics is in his very blood as religion is in our blood, and if you have to teach Hindus politics, you may have to teach it through religion and through social reform. Therefore, here is a first class religio-political measure which will suit a party of the future. For these reasons, Sir, I would ask the Honourable gentleman who is in charge of this motion to pause. It is good to have wings to soar, but I would ask him to use his feet for the time being, and, by slow degrees, by more and more, he can climb to the summit of our times.

**Pandit Ram Krishna Jha** (Darbhanga *cum* Saran: Non-Muhammadian): Sir, I rise to oppose this motion. In the first place, we find,—and I say so with no disrespect to the learned Mover,—he seems to be himself in serious doubt about this matter, because Honourable Members will find that in the preamble he has stated—“to remove certain doubts as to whether Hindu marriages are dissoluble or not”. Now, have we heard a single word from him throughout his speech this morning as to how the doubt arose, and where he has got his doubts from? Has my friend in his practice at the bar for more than 30 years found a single decision of any High Court where a Hindu Judge has felt any doubt on the point? Has he heard or read in any Sanskrit works which he has read any doubts on this point? Has he himself in his career as a lawyer for so many years come across any doubt entertained in India either by a party or a Judge or by an opposing counsel? I do not know where my friend got this doubt from. Probably it is a doubt which exists in his own mind, and, just to get an opportunity to

[Pandit Ram Krishna Jha.]

crack a huge joke in this Assembly, he has brought forward this measure. If he had not come forward with a measure like this, there would have been no opposition from the real Hindu community. Of course, there are Hindus and Hindus. There are some Hindus who are Hindus only in name or by origin but who have long ceased to be Hindus, who have long discarded the Hindu culture, who have seen the West too much and who have adopted too much of the Western culture, who see there is nothing good in Hindu culture,—and for a section like this,—and fortunately their number is very small,—he might have come forward with a Bill and said—“Well, let there be a Bill by which marriages can be dissolved at the sweet will and pleasure of the parties”—a Bill by which a Hindu marrying a non-Hindu can at any moment discard the other party at any time and throw her to her lot and dissolve the marriage. But I cannot understand the position of my friend, Sir Hari Singh Gour, when he says in the preamble that doubts have arisen as to whether Hindu marriages are dissoluble or not.

I say, Sir,—and I say this in all seriousness,—I believe that my friend, Sir Hari Singh Gour, when he drafted the preamble, probably was never serious about this matter at all, otherwise I would not expect a preamble like this. I really do not know how he has come to know that there are doubts on the point. If any doubt exists,—I personally think there is none whatever,—it is only in his own mind, and I think the doubt is not whether a marriage is dissoluble or not, but the doubt is whether there can be any doubt at all on a matter like this. I would appeal to Sir Hari Singh Gour's experience and would refer him to the judgment of Justice Sir Chandra Madhav Ghose in 28, Calcutta. He has described there what the marriage ceremony is, what the sacrament is, and what the *mantras* are. If my friend, Sir Hari Singh Gour, had taken part in any Hindu marriage, performed according to Hindu Shastraic rites, I am sure he would not have entertained any doubt at all; if he had closely followed the Shastraic rites laid down by the Shastras which govern the vast majority of the Hindu population, I am sure he would not have found any doubt whatsoever. I would only ask my friend to read two or three judgments of Justice Sir Chandra Madhav Ghose just to make sure that there can be no doubt at all on this question. On the other hand, those decisions clearly lay down that there can be no manner of doubt whatsoever that Hindu marriages are indissoluble. Has my friend,—again I ask,—ever found any person well versed in Sanskrit ever entertaining any doubt on this matter? Of course, my friend's knowledge of the Shastras is based entirely, so far as my information goes, upon the translation or mistranslation of Hindu texts. He has picked up certain passages shorn of their context. My friend, Pandit Satyendra Nath Sen, showed on the last occasion how the passages, upon which my friend Sir Hari Singh Gour placed so much reliance, were clearly inapplicable to this. Dissolution presupposes that there has been no valid marriage, otherwise, if once there is a valid marriage, then these doubts cannot possibly arise at all. I am afraid,—I say without any disrespect,—my friend is misleading the House. He is very well illustrating the adage that little knowledge is a dangerous thing. (Laughter.) Probably with his limited knowledge of Sanskrit, he must have gone through some of the Sanskrit texts and then felt a doubt in his own mind. He has not been able to say where the doubt exists, but if he had any doubt in his own mind, then he should have placed before this House some data to show how the doubt arises in his mind, but

fortunately or unfortunately for this House he has not done that. I, therefore, submit that the very object for which this Bill is introduced,—that is to remove certain doubts,—is defeated by the fact that there exists no manner of doubt at all except in the mind of the Mover himself. Has there been any doubt expressed by any member of the Hindu community as a whole at any time as regards the Hindu marriages performed strictly according to Shastric rites? As has been very well put by Mr. Justice Mukherjee, a Hindu wife never thinks of a separation. She cannot conceive, having once been tied together, for good or bad reason, of separating herself from her husband.

**An Honourable Member:** What about the husband?

**Pandit Ram Krishna Jha:** I am coming to it. I am myself a husband. (Laughter.) I have heard not only once, but more than once, my friend, Sir Hari Singh Gour, and his assistant, Mr. Reddi, say that sacrament is a sacrament, and they ask what about the husband? I say that for every husband the sacrament has the same force as for the wife.

**An Honourable Member:** He can marry as many wives as he likes.

**Pandit Ram Krishna Jha:** Then there will be another marriage and there will be another sacrament.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Can a wife have another sacrament?

**Pandit Ram Krishna Jha:** No, because the sacrament is like that. Well, you can very well come and say that the law is inequitable. I can understand that position, and you can come forward and say, like Sir George Schuster's Income-tax Bill, this is rather inequitable,—I can understand that position. You come forward and merely say that this law is a very bad law, give the go-bye to it. Why do you express any doubt on the point and attempt to modify the existing law? Where is the doubt,—I do not know. Again, in an Assembly like this—is it fair for an Assembly like this to pass a legislation of this type? I ask Sir Hari Singh Gour, did he, while he was canvassing for votes, tell his constituents that he was out for a measure like this which would affect the Hindu community in general? If he had said so and if he had been successful, in the contest, he might have come forward and said, "I represent my constituency". I am pretty sure that if these people had told their constituencies that they were going to promote such social reform Bills, none of them would have been successful. I submit it is hardly fair to the Hindu community. As I stated at the outset, if Sir Hari Singh Gour had said, "I want legislation like this for a handful of persons who have discarded their Hinduism", I could understand it. But now the whole world will say, Sir Hari Singh Gour is a Hindu and he has brought forward a Bill like this, and, therefore, it is a Hindu thing. Will that be right?

**Sir Hari Singh Gour:** I am a humble Hindu.

**Pandit Ram Krishna Jha:** He does not represent the Hindus at all. He claims to be a Hindu, but I do not know how far his claim is justifiable. As has been pointed out by Mr. Raju, how far have you been able



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to gather the opinions of persons who will be affected by this Bill? I say, it does not matter whether an Assistant Commissioner is consulted or a European High Court Judge is consulted. They have their own ideas of marriage and equity. The question is, have the persons who are going to be affected by this legislation been consulted, and are the opinions, so far gathered, enough to enable this House to form an idea that the Hindu community in general wants this legislation. I submit, as has been clearly explained by my Honourable friend, Mr. Raju, that it has not been done, and I feel that Sir Hari Singh Gour will be well advised to withdraw this Bill altogether. Sir, I oppose the motion.

**Mr. A. Hoon** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): After the attitude that the Government have taken and after the announcement that my Honourable friend, Maulvi Shafee Daoodi, has made with regard to the attitude that the Muhammadan gentlemen in the House will take with regard to this Bill . . . . .

**Sir Abdulla-al-Mamūn Suhrawardy** (Burdwan and Presidency Divisions: Muhammadan Rural): Not Muhammadan gentlemen. He was speaking for himself. He cannot speak for us.

**Mr. A. Hoon:** I find that the fight over this Bill is now mostly confined to the Hindus. The position has come to this that some of us have begun to challenge the *bonâ fides* of each other as Hindus. I wish that that state of affairs had not been brought in, and I would ask Mr. Jha, in spite of my being clad in a different fashion from that of his, and in spite of my having had the misfortune to have gone beyond India to foreign countries, not to doubt my enthusiasm, not to doubt my genuine admiration, and not to doubt my sincerity as a Hindu towards Hinduism. We have all got our own ways of thought.

Sir, with all the emphasis at my command I can say that the grounds on which the Leader of the Opposition is seeking the dissolution of Hindu marriages are more important and more applicable to the needs of the Hindu society than to any other society in the world. A Christian man can marry a Christian woman although he may not be physically fit to marry her. The woman cannot have any grouse, because it is a matter of contract with them. The man can say, I have married this woman in spite of being impotent, because I like her company. The woman can say, I have married an impotent man knowingly, because I like his intellect. But, Sir, the case among the Hindus is entirely different. I challenge my Honourable friend, Mr. Jha, and also my Honourable friend, Mr. Sen, who, I believe, is anxious to speak on this subject,—I ask them, what is the fundamental principle on which the Hindu marriages are contracted? The answer is procreation of one's own species. (*Cries of "Yes" and "No" from some Honourable Members.*) I submit,—I will again repeat, in spite of the interruption of my Honourable friend, Mr. Raju, that this is the only object with which the Hindu marriages are contracted, and I can say that the Hindus have always taken pride that such high ideal of marriage exists only in their own community. If this is the highest ideal, would any gentleman, present in this House, like to countenance a state of affairs which affects the very foundations of that ideal? What is the situation when an impotent man marries a young

girl? I would ask my Honourable friends present here to put themselves in that situation. A young woman, well brought up, comes in front of you and says, I have been married to a man who is impotent. What will be the answer given by you? I think the best thing is not to say anything more on the subject of the possible answer.

**Bhai Parma Nand:** Who is to decide that the man is impotent? Then, is it an incurable disease?

**Mr. A. Hoon:** I am very glad to hear that Bhai Parma Nand, to whom I have always given credit for his political work, knows something of medicine and specially about impotency. (Laughter.) You have put a question to me,—you did put a question,—who is going to decide whether the man is impotent or not? My answer is, it will be a doctor, and not Dr. Sir Hari Singh Gour. (Laughter.) I think these details are much too delicate to be discussed on the floor of the House. The fact is there, that the man is impotent, and the question is whether the marriage should be allowed to stand or not. (Interruption.) I hear all sorts of remarks, full of all sorts of taste, and I leave it to the good sense of the House to decide what credit should be given to them. But there are certain remarks of which we can safely afford not to take any notice. There is no doubt that the Bill after circulation has come back to us, and we find that it is mentioned in most of these notes that the Hindu public opinion is opposed to the introduction of this measure. In this connection I would ask the leave of the House to explain that in my humble opinion there is a confusion of thought when gentlemen say that the Hindu public opinion is against this Bill. They seem to mix up the feeling and the opinion of the Hindu community together. It is possible that a man has certain feelings on a certain question, but when he is asked to give his opinion, he may have a different opinion. I agree that bound by orthodoxy and governed by tradition as we are, the feelings are against the introduction of a measure like this, but when you do not permit your heart to get the better of your head, you do come to the conclusion that a measure like this is urgently and sorely needed. Mr. Raju, who very eloquently and ably opposed this Bill, brought forward two objections. One was that the measure was not likely to do any good to the class of people for whom it was intended, because the woman, when she was freed as far as marital ties were concerned, would not be able to get re-married. To that my answer is, if she is situated in that way, and if the custom by which she is governed does not permit her to get married again, she will think twice before seeking a dissolution of marriage.

**Mr. Raju** also said that in reality people in this country are opposed to this measure. I say people have always been opposed to any new legislation of a social kind. Had we not had storms of shouts, and storms of public opinion in connection with the *Sati* legislation? Was there not a commotion when the Bill for widow marriage reform was brought forward? Was there not an uproar when the Sarda Bill was introduced? I do not blame people when they raise their voice against any new legislation of this type, because it is only natural. Certainly public feelings in the country at this time are said to be opposed to this measure, but, I submit, it is not really the public opinion. It is the public feeling. I would not hesitate to admit myself before Honourable Members that my feelings sometimes get the better of my head and I

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think 'Oh, we should refrain from passing measures of this kind', but I submit that by giving deeper thought to this serious problem I come to the conclusion that it is very necessary, that this measure should be passed.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was taken by Mr. G. Morgan.]

**Mr. Lalchand Navarai** (Sind: Non-Muhammudan Rural): Sir, it cannot be denied that the question has become a very contested one. It may be seen that the Government attitude on this important question is that they are absolving themselves from entering into the arena of this discussion. They want to remain neutral. So far as the Muhammudan friends are concerned, I find that at least one of the leaders of the Muhammadans has declared that they will remain neutral. Then, this question comes to be contested amongst the Hindus alone. I do see that many of the Hindu Members, who have so far spoken, have opposed this Bill, but that is no reason why one should not put forward one's own honest, sincere and fair opinion. It appears to me that this question cannot be decided on the religious aspect alone. In my humble opinion, it raises two questions. One is a claim on the part of some Members of the Assembly that we should conform to the ancient Shastras and we should not budge an inch beyond that. The second school of thought says that we should move with the times. These two questions have no doubt to be decided with caution and circumspection. We know that times have changed. There are now so many associations which the country had not before. Western civilisation has made inroads into India. With new communications people have come into contact with several ideas. In my humble opinion, I do not want that this question should be restricted to the Shastras alone. It should be considered in such a manner that without clashing with ancient ideals we can move forward with the times. I may at once say that I admire the Indian ideal of women to remain chaste and moral and to take only one husband to procreate and advance the lineage. It is a noble ideal. India has kept intact the Indian ideal and all credit is due to the Indian women who have stuck to this ideal and I do not find, even at this stage of advancement and civilisation, that the chastity and the morality of Indian women have deteriorated.

I would say at once that I would have opposed this Bill tooth and nail had it not been a cautious one, a modest one and a restricted one. I have gone over the world and seen the customs of many countries and I do deplore, as many of them there do, the disaster brought on these countries by these unrestricted divorces. So much freedom has been given to women that the matrimonial courts are full of divorce cases. The marriage takes place, and many a times lasts for a week or so, and then it is dissolved.

**An Honourable Member:** Still you want to introduce that in this country.

**Mr. Lalchand Navarai:** I will just explain. I am not one of those people who would go whole hog which would create disruption in society with regard to our own ideals, customs and manners. I will prove to you that the dictates of the Shastras themselves have up to this time been

controlled by the times. Therefore, my submission is that we should give careful consideration to this Bill and, if we are going to block it, the result will be underhand mischief and this morality and this chastity will be violated and interfered with. I have read some of the Shastras. My learned friend on this side may say that I have read only the translations, but those translations which he is condemning are based upon certain authorities like Manu and such other writers and they have not been up to now challenged in any way.

**Pandit Ram Krishna Jha:** The Privy Council recently pointed out that the word "coparcener" in Colebrook's translation has created a lot of mischief. They have pointed out that these translators would have done well not to translate such texts of Hindu law into the English language. Then Prasanna Kumar Tagore's translation and such other translations have been questioned and challenged.

**Mr. Lalchand Navalrai:** Very well, I shall quote for my learned friend's benefit Mayne's Hindu Law which gives certain quotations and can my Honourable friend say that they also are wrong?

Now, Sir, my humble point is this, that if the country is on the road to an advance now and different customs are coming in, you must of course proceed with them cautiously as otherwise, you will disintegrate your own community and nationality altogether, but all the same you must give a proper latitude for adjustment. Sir, we know now how far our youngsters have gone forward and how they have imbibed and are daily imbibing and following the customs and manners of the outside world. Now the mentality of our young men is not as it was when there were no communications and when you so very rarely came into touch with Western peoples and their culture and when you were quite ignorant of their customs and manners. Times have now changed. Times have come to the stage now when certain reform laws are asked for which in those distant former days would have been opposed very strongly. Take the question of the marriages under the Sarda Act. Now, that Act would have been very much opposed in those times, but now this Act is in operation, and you can see that even though the small orthodox section of some such people still carry on a campaign against it, yet it cannot be said that the country as a whole thinks that it is a bad law. They themselves cannot but admit that it is suitable to the present times.

**Pandit Satyendra Nath Sen** (Presidency Division: Non-Muhammadan Rural): Certainly not.

**Mr. Lalchand Navalrai:** Of course there is a difference of opinion always. Unless there be two sides to a question, there would be no argument. Therefore, I am submitting that there are two questions here before the House. One is, whether you are going to stop where you are, whether you ought to stagnate where you are, and you are never to improve your customs and manners, or whether you are ready to go forward cautiously and in a manner which may be salutary and safe, and in which there will not be any harm but good. Now history shows that there was a time when, according to certain Shastras, there was a custom permissible amongst Hindus of begetting children if certain impediments, such as those mentioned in this Bill, were in existence, I would quote

[Mr. Lalchand Navalrai.]

Mayne's Hindu Law, 4th Edition, page 70, article 67, referring to Manu, 11th Chapter, pages 162, 267 *et seq.* He says:

"Law books expressly sanction the begetting of offspring by one on the wife of a man who is impotent, disordered in mind and incurably diseased."

These are the three conditions that are now contemplated by this Bill.

**Pandit Satyendra Nath Sen:** Give us the original reference. I challenge that.

**Mr. Lalchand Navalrai:** You may challenge it, but I find it there and I do not think that there is anything to challenge unless you can bring forward a contrary authority. In any case I am putting it to you that this is what he says. Then, at page 88, we find passages of the Vedas which are quoted by Dr. Mayer. They sanction the second marriage of women who have left their husbands for a justifiable cause or who have been deserted by their husbands. Now, Sir, I should not be misunderstood in the least. I do not say that the laws in vogue at certain times should be completely and wholly followed now. My point is only this. I only show that from time to time there have been changes. I may also point out that there are divorces allowed by custom among certain sections of Hindus. I do not think that anybody would deny that, even at the present moment, amongst the Hindus at certain places there are classes where, according to the customs and manners there prevalent, divorces are allowed. There have been similar reported cases of the Bombay High Court and elsewhere.

Sir, times have come when we have got to deal with such questions as that of untouchability. Yes, times have come when we are perforce dealing with questions which would never have arisen before. In these times, I say, why are some people insensately opposing reforms? If a cautious step is proposed to be taken for the purpose of getting a salutary move on, why should it be blindly opposed? Sir, I have already said that I am not for divorces generally. My friend, Sir Hari Singh Gour, in his enthusiasm quoted today from a resolution of the Women's Conference to show that they were for divorce for even other causes than these. I am afraid, he was unwittingly seeking a blow to his own case by quoting that as it might be implied that he is in favour of allowing divorces for all kinds of causes, however insignificant they may be. As I understood him on the last occasion when I heard him, I thought he said that his Bill was very much restricted and narrow and that led me to consider that I should, when there is so much opposition from the orthodox section, express my own opinion honestly. But I was a little amused when he quoted from that resolution of the Women's Conference; perhaps he quoted it for the mere sake of quotation and I take it we are not going to follow those women who want to make this country also a country of divorces and a country of marriages for a time.

**An Honourable Member:** That will be an advancement!

**Mr. Lalchand Navalrai:** That will certainly not be an advancement. When you do not do a certain thing cautiously and wisely, you are not advancing in the right direction, but in the wrong one. Sir, let us take a

bird's eye view of what our young men are today thinking and how they are moving. Take this system of caste. See how you find these youngsters. Can you even recognize them, when they are at the same table with Europeans and Muhammadans, that they are Hindus? Sir, I am not for a measure of course which will disintegrate our families. I do not want that the wife should lose that charm of the ideal that she possesses.

**Mr. N. M. Joshi** (Nominated Non-Official): What about the husbands?

**Mr. Lalchand Navalrai**: There is nothing wrong with the husbands.

**Mr. N. M. Joshi**: But what is it? I ask you.

**Mr. Lalchand Navalrai**: But they are not throwing away their wives.

**Mr. Chairman** (Mr. G. Morgan): Order, order. Please continue.

**Mr. Lalchand Navalrai**: So what I am submitting is this, that this Bill is a very cautious and restricted one. I shall, however, I must say, not be content with the Bill as it is. It requires drastic modification in the sense of defining what imbecility is and what kinds of leprosy and impotency should be causes for separation. For instance, let us take the question of impotency. Now, impotency must be defined. In some cases impotency may be only a temporary difficulty. Then, it is said that it is difficult to find out whether a man is impotent or not. This is not however as difficult as it is imagined to be. There are certain general principles which the courts do apply in this matter. I know of a case—it was a Muhammadan case—where there was a question of impotency and that case was decided by the Judges by putting these people on probation. What I submit is this that the law has provided certain principles for the Judges to follow in this behalf. I know it is a difficult question, but the Bill should not, on that account alone, be thrown out. This defect can be amended in the Select Committee. Now, Sir, I find on page 7 of the Bihar and Orissa opinions that they also complain that there is no definition of these terms. They say:

“Sir Hari Singh Gour has not defined what he means by imbecility. The word has no general or recognised meaning in law. It has been especially defined in certain Statutes in England, but it cannot be used without definition in an Indian Statute. The word may mean anything from slight weakness of mind up to dangerous lunacy. There may be something to be said for taking power to dissolve a marriage if the husband is an incurable lunatic, but the vague word ‘imbecility’ would go much further than this.

Sir Hari Singh Gour has not explained what he means by impotency. From the languages of the Statement of Objects and Reasons it appears that he wishes to enable a marriage to be dissolved when it is impossible for the husband to procreate children. In English law, the impotency which renders a marriage invalid is incurable inability.”

Therefore, amendments could be made in the Select Committee to omit the word “impotency” and substitute in its place “incurable inability” and further “incurable imbecility and dangerous or incurable lunacy”. Then, there would be absolutely no objection. With these words, Sir, I support the motion.

**Pandit Satyendra Nath Sen:** I rise to oppose the motion for the Select Committee moved by my peculiarly "orthodox" friend, Sir Hari Singh Gour. I oppose the motion, because I am opposed to the principle of the Bill in question. I think it is not necessary for me to make a very lengthy speech in order to press my point, because I made my point abundantly clear by an elaborate speech on the last occasion.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) resumed the Chair.]

I was glad to find that none of the points raised by me was refuted by the Honourable the Mover in his concluding speech on the last occasion at Simla and in the speech which he delivered this morning. I am also glad to find that this morning he only appealed to our sentiment and did not refer to the Shastraic view at all. Also he did not have recourse to what is called *argumentum ad hominem* which he adopted on the last occasion with high sounding words. He described us, the orthodox people, as heartless and impervious to reason and all sorts of similar things. I was almost sanguine that on the last occasion we would have carried our point could we avail ourselves of that opportunity. But, as Honourable Members are aware, things took an unexpected turn and the discussion had to be postponed more than once for want of a quorum. From the reception that has been accorded to him this morning, I hope we shall be able to knock down the Bill even today. Sir Hari Singh Gour referred to the opinions collected by Government and he has informed us that the opinions are divided, but he has omitted to mention that we have got an overwhelming majority on our side. (Voices: "Let us vote now.") Mr. Raju has referred to all those opinions and I need not go into the details. But I should like to read one or two lines from the opinion of the Honourable the Chief Commissioner of Ajmer-Merwara. He says:

"I understand that in some European countries, e.g., Italy, no divorce of any sort is legally recognised and that even in England dissolution of marriage cannot be obtained because the husband is mad or leprous. The Bill under discussion, therefore, goes further than the law even in the most advanced countries of Europe."

I am also glad to find that thoughtful and learned men like Pandit Ganganath Jha, *ex-Vice-Chancellor* of the Allahabad University, Sir N. R. Chatterjee, *ex-Chief Justice* of the Calcutta High Court, Sir Bipin Bihari Ghosh, *ex-Judge* of the Calcutta High Court, have in unmistakable terms condemned this Bill. Coming to the details of this Bill, I would prefer to be blind to its manifold defects, because otherwise the invariable reply will be that those defects may be rectified in the Select Committee. I should, therefore, pay greater attention to the mistaken ideas that are contained in the Bill.

**Mr. N. M. Joshi:** You have shown them once.

**Pandit Satyendra Nath Sen:** Yes, and I shall refer to them again very briefly. In the very first place, the Honourable the Mover makes a mistake in referring to the practice of Niyoga which, as he puts it, "provided the wife with a companion of the husband when the husband himself was imbecile or impotent". This is a very mistaken idea, because the system of Niyoga did not provide the wife with a companion. The wife

was allowed to have only one or two male children without indulging in any personal gratification. Then he refers to the rights to property. As a matter of fact, no husband is declared that he is not entitled to inheritance. But theoretically even if he is so declared, his sons, if possible, or his adopted son, can come in for inheritance, and the wife is not deprived of the right to property in any case. Now, the passages quoted by him from Nārada and Vasishtha are all irrelevant, because they refer to previous examination of the prospective bridegroom or to betrothal. And some of them have been mistranslated. For instance, in verse No. 16, the expression "have discharged their marital duties" should have been put as "betrothed to each other". Again, in verse No. 24, "bridegroom" should have been "prospective bridegroom". In verse No. 97, "husband" should have been put as "betrothed husband" and the word "*āpat*" in the same verse No. 97 has been translated as "legal necessity" whereas the word "emergency" should have been a more appropriate term. Again, some of the translations are ridiculously inaccurate. For example, verse No. 24 has been put as :

"When a bridegroom goes abroad after having espoused a maiden, let the maiden wait till her menses have passed three times, and then choose another bridegroom."

Marriage was never a plaything with a Hindu girl and it could not have been dissolved after waiting for a small period of three months only. The translator on whom the Honourable the Mover also relies was able to pick up the really Shastraic view when he says :

"The 'choice of the bride' or betrothal, being dissoluble on the discovery of a blemish (in either party), it follows that the act of joining the bride and bridegroom's hands, that is, the ceremony of marriage, must be indissoluble."

This is the translator's view and this view has been confirmed by Manu when he says :

"Neither by sale nor by repudiation can a Hindu marriage be dissolved—the wife can never be separated from her husband."

I quoted the original verse on the previous occasion and I need not go into details now. This view of Manu has been confirmed by later writers such as the authors of the Mahābhārata and the various Samhitas and of the well-known work named "*Karma-Vipākā*".

Then, again, in the verse quoted from Vashisth, there is a suppression of facts and also the translation is wrong. The word that is given in the translation is "remarried". The original word is "*punarbhū*", which, as I said before, is a technical term and, therefore, does not admit of a strict translation. It should have been left as it is. With the portion that has been suppressed, the passage will read as :

"She is called '*punarbhū*' who leaving an impotent, outcast or mad husband or after the death of her husband takes another lord".

This portion has been suppressed, viz., "after the death of her husband", and this determines the status of the girl who takes another husband.

I will now offer very short criticisms of some of the views expressed by the speakers today as well as on the previous occasion. The Honourable the Mover, while moving his motion on the last occasion, told us, referring to this Bill, that it had already been accepted in Baroda and probably in Mysore and some other Indian States. Sir, I have no information regarding other Indian States, but so far as Mysore is concerned, I am in a position to say that there is no such enactment in that State.



**Mr. B. V. Jadhav:** In Baroda there is.

**Pandit Satyendra Nath Sen:** May be, but so far as Mysore is concerned, it was a wrong information supplied to this House. I wrote to the Secretary of the Legislative Council of Mysore and, in reply, he informed me as follows:

"In reply to your letter of the 7th instant, I am directed to state that there is no enactment in force in Mysore providing for divorce or dissolution of marriage among blindus."

I now come to my friend, Mr. Jadhav, on whom my Honourable friend, Sir Hari Singh Gour, relies so much. In forming his view regarding this matter my friend, Mr. Jadhav, relied on a work on *Artha-Shastra*, which is primarily a work on politics, in preference to works on *Dharma-Shastra*, such as those of Manu and others, which should be regarded as the sole authority in these matters; and, even then, the passages quoted by him were misunderstood and misapplied. I shall make my point clear by referring to one of those passages. In quoting from Kautilya, he says:

"For seven months should a maiden, married with religious rites, await a husband who has left her without telling her and whose whereabouts are not known, etc."

Evidently he refers to Kautilya, Chapter IV, passage Nb. 159. This is the translation given by Pandit Shama Sastri:

"A young wife (*kumāri*) who is wedded in accordance with the customs of the first four kinds of marriage and whose husband has gone abroad and is unheard of shall wait for him for the period of seven menses, provided he has not announced his departure; but she shall wait for him a year in case of his having announced the same."

Now, the word which occurs there is "*kumāri*" which is a synonym of "*kanyā*" and what is the definition of "*kanyā*"? It means an unmarried girl, and so this also refers to betrothal.

**Mr. B. V. Jadhav:** What is the use of waiting if she is a "*kanyā*"?

**Pandit Satyendra Nath Sen:** Because our ancient *Shastrakaras* put a very great value on betrothal. They say that when there is a betrothal, the girl should wait for a reasonable period. The translation goes on:

"In the case of a husband who is gone abroad, but who is not heard of, his wife shall, if she has received only a part of *sulka* from him, wait for him for the period of three menses; but if he is heard of, she shall wait for him for the period of seven menses. A young wife (the original word is *kumāri*) who has received the whole amount of *sulka* shall wait for the period of five menses for her absent husband."

*Sulka* means the marriage-fee in the form of dowry.

This certainly refers to betrothal; otherwise there would have been no reference to *sulka*. The *sulka* has or has not been fully paid up. That is the point. It has been argued by Mr. Navalrai today and Mr. Joshi on the last occasion that these things might have suited the society a thousand years ago, but not today. I do not see the force in this argument. What do they really mean? If morality and chastity were valuable a thousand years ago, they are and should be regarded as valuable even today. So there is no force in that argument, *via*, that it suited the society a thousand years ago, not today. When a certain principle is in question, these questions do not arise at all. When my friend, Pandit Jha, was speaking, there was an interjection from my Honourable friend,

the Mover, "Well, what is the case with the husband?" It is a common slogan in this House in regard to this matter and it was uttered by several friends and by Mr. Joshi also. My answer to that is—the same thing as is the case with the wife. There is no dissolution of marriage even if the wife is given up by the husband: he is bound to maintain her and look after her comforts. There is no dissolution. Honourable Members should bear in mind that there is a difference between divorce and dissolution; the two things are not identical; even if there be a divorce, there is no dissolution. Sir, I shall finish very soon. I now come to the remarks made by Dr. DeSouza who, I am sorry to see, is not here. He remarked that under the canon law such marriages were invalid and the question which would arise would be not a question of dissolution, but a declaration of the nullity of marriage. That may be the case under the canon law, but, according to our sages, the question is indeed one of dissolution and not of nullity, because such marriages are not invalid. It has been argued by some of my Honourable friends that the only object of marriage is procreation of children. But I beg to differ from them: procreation of children may be one of the objects, but that is not the only object; there are other objects as well: for example, the performance of religious rites and observances. Even the adoption of a son is not possible for a bachelor. An important person even is entitled to have *pinda* from his adopted son and he is not entitled to adopt a son if he remains unmarried. At least that is the Hindu view point. I do not think I need proceed any further. If Honourable Members have any regard for opinion and experience, they will not brush aside the opinions expressed very strongly by men like the late Mr. Gladstone, Mr. Slessor, the Solicitor General in the Labour Government of 1924, Lord Chief Justice Campbell, Justice Lindsay and the Rev. Graham. I would conclude my speech by quoting only two or three lines from the last named gentleman who says:

"This one breach in the old law of indissoluble marriage has reacted disastrously on the security of home life, and experience seems always to show that when once divorce is made possible on any pretext, the percentage of divorce increases year by year continuously."

Before I resume my seat, I would request Government not to remain neutral, but to vote positively against the Bill, because if anyhow this Bill is passed, the people will make them responsible, because the ordinary people make no distinction between the Government and the Legislature. With these words, I beg to oppose the Bill.

**An Honourable Member:** The question may now be put.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I accept the closure. The question is that the question be now put.

The motion was adopted.

**Sir Hari Singh Gour:** Sir, I shall take a very few minutes . . . .

**An Honourable Member:** How many?

**Sir Hari Singh Gour:** . . . in my reply. I thank both sides of the House for the moderation of tone in which their speeches were couched; and, whatever may be the difference between myself and those who do not agree with me, I cannot disguise from myself the fact that there is a certain body of honest opinion opposed to the reform that I am advocating. I respect those who conscientiously feel that I am going much in advance of the times. But I also beg of them to take my word

[Sir Hari Singh Gour.]

and give me the credit I give to them, that I also conscientiously feel that my society will never advance unless some of us take the step that I am taking of bringing Hindu society into line with modern conditions and modern thought. It may be that my friends and ourselves do not agree on this matter. But one thing is certain, that as I respect their opinion, they should also respect ours and, so far as the Government are concerned, I am rather surprised that the Government should adopt an attitude of neutrality upon a measure of such transparent justice. (*Cries of "No, no."*) I should have thought that the Government on this measure would have reinforced our ranks by giving it the support which they have given in years past to such humanitarian measures as the suppression of *sati*, infanticide and other allied reforms. The reform that I am advocating is a reform of as wide-reaching a character. It is intended to emancipate what is ordinarily called, perhaps euphemistically described, as the better half of man. It is to their better half that I am giving this modicum of liberty without which her life is one of perpetual subjection and misery. I do not wish to detain the House. This stage is an intermediate stage. If the House permits me to take the Bill to the Select Committee, it will be only one step forward, and then it will be time for both sides of the House to reconsider the position and give their opinion after the Bill comes out from that Committee. Sir, I move.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is:

"That the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion be referred to a Select Committee consisting of the Honourable the Law Member, Diwan Bahadur Harbilas Sarda, Raja Sir Vasudeva Rajah, Mr. S. G. Jog, Mr. S. C. Mitra, Sardar Sant Singh, Mr. N. M. Joshi, Rao Bahadur M. C. Rajah, Mr. A. Hoon, Mr. B. V. Jadhav, Mr. Muhammad Azhar Ali, Rao Bahadur S. R. Pandit, Mr. C. S. Ranga Iyer and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly divided:

AYES—12.

Gour, Sir Hari Singh.  
Hoon, Mr. A.  
Jadhav, Mr. B. V.  
Jog, Mr. S. G.  
Joshi, Mr. N. M.  
Lalchand Navalrai, Mr.

Mitra, Mr. S. C.  
Pandit, Rao Bahadur S. R.  
Reddi, Mr. T. N. Ramakrishna.  
Sant Singh, Sardar.  
Sarda, Diwan Bahadur Harbilas.  
Sohan Singh, Sardar.

NOES—11.

Dutt, Mr. Amar Nath.  
Ghuznavi, Mr. A. H.  
Jha, Pandit Ram Krishna.  
Krishnamachariar, Raja Bahadur G.  
Misra, Mr. B. N.  
Mukherjee, Rai Bahadur S. C.

Neogy, Mr. K. C.  
Parma Nand, Bhai.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 6th February, 1933.