

11th April 1939

# THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

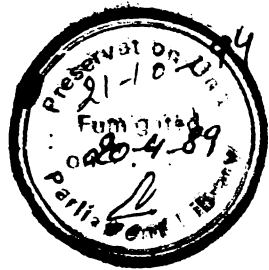
---

Volume IV, 1939

*(30th March to 15th April, 1939)*

---

## NINTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1939



PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.  
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.  
1939.

27-28

# LEGISLATIVE ASSEMBLY.

*President :*

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

*Deputy President :*

25 AUG. 1939

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

*Panel of Chairmen :*

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

DR. SIR ZIAUDDIN AHMAD, C.I.E., M.L.A.

SIR COWASJI JEHangIR, BART., K.C.I.E., O.B.E., M.L.A.

MR. A. AIKMAN, C.I.E., M.L.A.

*Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

*Assistants of the Secretary :*

MR. M. N. KAUL, BAR.-AT-LAW.

RAI BAHADUR D. DUTT (*Upto 31st March, 1939*).

KHAN SAHIB S. G. HASNAIN, B.A. (*From 10th April, 1939*).

*Marshal :*

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

*Committee on Petitions :*

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman*.

MR. A. AIKMAN, C.I.E., M.L.A.

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

SYED GHULAM BHIK NAIRANG, M.L.A.

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

# CONTENTS.

VOLUME IV.—30th March to 15th April, 1939.

	PAGES.		PAGES.
<b>THURSDAY, 30TH MARCH, 1939—</b>		<b>MONDAY, 3RD APRIL, 1939—</b>	
Members Sworn . . . . .	9005	Members Sworn . . . . .	3187
Starred Questions and Answers . . . . .	9005—21	Starred Questions and Answers . . . . .	3187—3214.
Transferred Questions and Answers . . . . .	3021—43	Motion for Adjournment re Kidnapping of five Frontier Hindus by armed Torikhel Wamis of the Trans-border Area in the Bannu District—Disallowed . . . . .	3214—15
Short Notice Question and Answer . . . . .	3043—45	The Coal Mines (Stowing) Bill—Discussion on the consideration of clauses not concluded . . . . .	3215—61
Declaration by H.E. the Governor General in Council . . . . .	3045		
Election of Members to the Standing Committee for the Department of Communications . . . . .	3045—48		
The Repealing and Amending Bill—Extension of the time for the presentation of the Report of the Select Committee . . . . .	3048		
The Registration of Foreigners Bill—Discussion on the consideration of clauses not concluded . . . . .	3048—88		
<b>FRIDAY, 31ST MARCH, 1939—</b>		<b>TUESDAY, 4TH APRIL, 1939—</b>	
Starred Questions and Answers . . . . .	3099—3136.	Starred Questions and Answers . . . . .	3263—82
The Sugar Industry (Protection) Bill—Introduced . . . . .	3136	Unstarred Question and Answer . . . . .	3283
The Indian Tariff (Second Amendment) Bill—Introduced . . . . .	3136	The Coal Mines (Stowing) Bill—Passed as amended . . . . .	3283—87
The Indian Tariff (Third Amendment) Bill—Introduced . . . . .	3137	The Indian Tariff (Second Amendment) Bill—Discussion on the motion to consider not concluded . . . . .	3287—3332.
The Registration of Foreigners Bill—Passed as amended . . . . .	3137—80		
The Employment of Children (Amendment) Bill—Amendments made by the Council of State agreed to . . . . .	3180—83		
The Coal Mines (Stowing) Bill—Discussion on the motion to consider not concluded . . . . .	3183—85		
Statement of Business . . . . .	3185		
		<b>WEDNESDAY, 5TH APRIL, 1939—</b>	
		Starred Questions and Answers . . . . .	3333—75
		Election of Members to the Standing Committee for the Department of Communications . . . . .	3376
		Message from the Council of State . . . . .	3376
		The Repealing and Amending Bill—Appointment of Mr. F. E. James to the Select Committee . . . . .	3376
		The Indian Tariff (Second Amendment) Bill—Motion to consider adopted . . . . .	3376—3422.

	PAGES.		PAGES.
<b>THURSDAY, 6TH APRIL, 1939—</b>		<b>FRIDAY, 14TH APRIL, 1939—</b>	
Starred Questions and Answers . . . . .	3423—45	Starred Questions and Answers . . . . .	3703—16
Postponed Question and Answer . . . . .	3446	Unstarred Questions and Answers . . . . .	3716—17
The Indian Tariff (Second Amendment) Bill—Passed as amended . . . . .	3446—72	The Sugar Industry (Protection) Bill—Passed . . . . .	3717—50
The Sugar Industry (Protection) Bill—Discussion on the motion to consider not concluded . . . . .	3473—91	The Indian Tariff (Third Amendment) Bill—Motion to consider negatived . . . . .	3750—63
Statement of Business . . . . .	3492	The Indian Rubber Control (Amendment) Bill—Referred to Select Committee . . . . .	3763—64
<b>TUESDAY, 11TH APRIL, 1939—</b>		The Indian Tariff (Second Amendment) Bill—Amendment made by the Council of State agreed to . . . . .	3765
Member Sworn . . . . .	3493	The Chittatong Port (Amendment) Bill—Discussion on the motion to consider not concluded . . . . .	3765—67
Starred Questions and Answers . . . . .	3493—3517.		
Statements laid on the Table . . . . .	3517—37	<b>SATURDAY, 15TH APRIL, 1939—</b>	
The Hindu Women's Right to Divorce Bill—Presentation of Petitions . . . . .	3537	Starred Questions and Answers . . . . .	3769—87
The Indian Succession (Amendment) Bill—Passed . . . . .	3537—40	Statements laid on the Table . . . . .	3787—90
The Hindu Women's Right to Divorce Bill—Discussion on the motion to refer to Select Committee not concluded . . . . .	3540—96	Reports laid on the Table . . . . .	3790—92
<b>WEDNESDAY, 12TH APRIL, 1939—</b>		Message from the Council of State . . . . .	3792
Starred Questions and Answers . . . . .	3587—3639.	Message from H. E. the Viceroy and Governor General . . . . .	3792
Unstarred Questions and Answers . . . . .	3639—49	The Indian Tariff (Third Amendment) Bill (as recommended)—Motion for leave to introduce negatived . . . . .	3792—95
Message from the Council of State . . . . .	3649	The Chittagong Port (Amendment) Bill—Passed . . . . .	3795—3802.
Draft Convention concerning Statistics of Wages and Hours of Work in the principal Mining and Manufacturing Industries, including Building and Construction and in Agriculture, adopted by the International Labour Conference . . . . .	3649—56	Position of the Indian Oaths (Amendment) Bill and the Commercial Documents Evidence Bill . . . . .	3802—03
Resolution re—		The Criminal Law Amendment Bill—Passed . . . . .	3803—34
Position of Women under the Existing Laws—Adopted as amended . . . . .	3656—95	The Indian Soft Coke Cess Committee (Reconstruction and Incorporation) Bill—Passed . . . . .	3834—36
Non-Indian companies and Protective Tariffs—Discussion not concluded . . . . .	3696—3701.	The Hindu Women's Right to Divorce Bill—Presentation of the Report of the Committee on Petitions . . . . .	3836

# LEGISLATIVE ASSEMBLY.

*Tuesday, 11th April, 1939.*

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

## MEMBER SWORN:

The Honourable Mr. Abraham Jeremy Raisman, C.S.I., C.I.E.,  
(Finance Member).

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### APPEAL AGAINST THE FEDERAL COURT DECISION IN REGARD TO SALES TAX.

**1595. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) whether Government have come to a conclusion over the matter of accepting or appealing against the decision of the Federal Court with reference to sales taxes; and
- (b) whether they have received any communications from the Provincial Governments in this respect?

**The Honourable Mr. A. J. Raisman:** (a) I would refer the Honourable Member to the reply given to Mr. Satyamurti's starred question No. 1149 on the 18th March, 1939.

(b) No.

**Mr. T. S. Avinashilingam Chettiar:** Does that mean that they have not come to a conclusion in the matter? That was the previous answer.

**The Honourable Mr. A. J. Raisman:** The Honourable Member may draw his own inference.

**Mr. T. S. Avinashilingam Chettiar:** The previous reply was that no conclusion had been reached. I want to know whether the Honourable Member means that now also they have not come to a conclusion in the matter?

**The Honourable Mr. A. J. Raisman:** Yes; that is quite right.

#### BAN ON THE RETURN OF RAJA MAHENDRA PRATAP TO INDIA.

**1596. \*Mr. Badri Dutt Pande:** Will the Honourable the Home Member please state:

- (a) whether it is a fact that Raja Mohendra Pratap has sent a letter from Kokubhunji, Tokyo, Japan, asking permission to re-enter India and saying "On my behalf I beg to assure you that I want to remain strictly within the law of the Land, whatever it is, good or bad"; and

(b) if so, what action Government have taken in the matter of return of this exile to India?

**The Honourable Sir Reginald Maxwell:** (a) Yes.

(b) He has been informed that Government are not prepared at present to grant him facilities for return to India.

**Mr. Badri Dutt Pande:** In view of the fact that this exile has given an undertaking that he will lead a constitutional life over here and that the Provincial Government is in favour of his return, where is the hitch now in the Government of India?

**The Honourable Sir Reginald Maxwell:** The decision which I have mentioned was taken in full view of those circumstances.

**Mr. Badri Dutt Pande:** Was the decision taken by the Honourable Member himself or by the Cabinet?

**The Honourable Sir Reginald Maxwell:** It is the decision of the Governor General in Council.

#### INDIAN REGIMENTS IN THE ARMY.

1597. **\*Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) the total number of Indian regiments in the Indian Army;
- (b) the Provinces in which they are recruited and the number of regiment in each Province; and
- (c) whether there are any Provinces from which no regiments have been recruited?

**Mr. C. M. G. Ogilvie:** (a) I refer the Honourable Member to the Indian Army List, a copy of which is in the Library.

(b) As regards the first part, I refer the Honourable Member to the reply I gave to part (a) of starred question No. 1086 asked by Mian Ghulam Kadir Muhammad Shahban on the 15th September, 1938. As to the second, the place where each regiment is stationed is also shown in the Indian Army List.

(c) Does not arise.

**Mr. T. S. Avinashilingam Chettiar:** May I know why it does not arise—whether there are any provinces from which no regiments are recruited?

**Mr. C. M. G. Ogilvie:** The answer to that is given in the answer to the question to which I have referred the Honourable Member—No. 1086 of the 15th September.

#### ALLEGATIONS OF FRAUD AND FORGERY AGAINST GHEE PURCHASING AGENCY.

1598. **\*Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state whether an investigation was made in respect of the allegations

made in Mr. A. N. Mehra's letter, dated the 4th September, 1938, to the Director of Contracts, Simla, in connection with the fraud and forgery, etc., committed regarding *ghi* purchasing agency?

(b) If so, will he please state how the enquiry was conducted?

(c) Is it a fact that Mr. A. N. Mehra was neither asked nor allowed to appear before the investigation officers, notwithstanding his repeated requests, to prove and produce documentary or oral evidence in support of his allegations?

(d) Is it a fact that Mr. A. N. Mehra had offered a sum of Rs. 2,000 to be paid in cash to any of the officers who could prove that all his allegations are baseless? If so, will he please state why this offer was not availed of?

(e) Have the authorities carefully studied letter No. 4773, dated the 21st May, 1937, a photograph of which was sent to the Defence Secretary with letter, dated the 25th September, 1938, by Mr. Amar Nath Mehra, under a registered cover? If so, have Government noticed the instructions contained therein with regard to purchases at one station and preparing invoice at another station at higher rates?

**Mr. C. M. G. Ogilvie:** (a) Most of the allegations made in Mr. Mehra's letter of 4th September, 1938, had previously been examined and found to be baseless. The remainder of the allegations were examined at length in the Contracts Directorate, who discovered nothing whatever in them which could justify further investigation.

(b) I refer the Honourable Member to my answer to his starred question No. 1058 of 15th September, 1938.

(c) No. He appeared before the Court of Enquiry in January, 1932, and stated his case.

(d) Such an offer was made, but was properly ignored. Government, naturally, could not accept an offer of this kind in any case, and is, moreover, satisfied that the allegations have been proved to be baseless.

(e) Yes. It appears that the instructions referred to were not intended for any purpose other than to settle the proper method of internal accounting to be followed in this instance.

**Mr. Badri Dutt Pande:** May I inquire what objection Government has to call for Mr. Mehra before the investigating officers and examine his credentials?

**Mr. C. M. G. Ogilvie:** I have answered the Honourable Member that he was called and stated his case in full.

**Mr. Brolendra Narayan Chaudhury:** May I know whether the remainder of Mr. Mehra's allegations were proved to be true?

**Mr. C. M. G. Ogilvie:** I do not know what the Honourable Member means by the remainder. None of the allegations were proved to be true and, as far as I can ascertain, all of them were proved to be false.

ALLEGED ASSAULT OF PASSENGERS BY CERTAIN SOLDIERS AT THE FEROZEPORE  
RAILWAY STATION.

1599. \***Mr. T. S. Avinashilingam Chettiar**: Will the Defence Secretary state:

- (a) whether his attention has been drawn to the news on page 8 of the *Hindustan Times* of the 22nd March, 1939, that certain soldiers assaulted some passengers at the Ferozepore railway station;
- (b) what are the facts of the case; and
- (c) what steps Government have taken in the matter?

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

(b) and (c). The case is still *sub judice*.

**Mr. T. S. Avinashilingam Chettiar**: May I know under what section the case has been registered in the Court?

**Mr. C. M. G. Ogilvie**: As far as I remember the case was registered under sections 325 and 354 of the Indian Penal Code.

**Mr. M. Thirumala Rao**: Can the Honourable Member give us the allegations if not the facts of the case?

**Mr. C. M. G. Ogilvie**: There is no point in my stating the allegations here, they may be found in the newspaper which originally published them.

**Mr. T. S. Avinashilingam Chettiar**: May I know if the accused are defended and at whose cost?

**Mr. C. M. G. Ogilvie**: I cannot possibly answer that without notice.

**Mr. T. S. Avinashilingam Chettiar**: May I know if the Army Department have engaged counsel to defend these soldiers?

**Mr. C. M. G. Ogilvie**: I cannot possibly answer that question without notice. I have no information with me.

**Mr. T. S. Avinashilingam Chettiar**: If you will permit me to say so, Sir, the usual procedure in such cases in which soldiers are charged is to engage . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member ought to have given notice of that.

STARTING OF TRAINING CLASSES IN AIR-RAID PRECAUTIONS IN PORT TRUSTS.

1600. \***Mr. Kuladhar Chaliha**: Will the Honourable the Home Member please state:

- (a) whether training classes in air-raid precautions have been started by the Karachi Port Trust authorities;



- (b) whether such classes have been started in Calcutta, Bombay, Madras and Chittagong, to train the citizens for taking such precautions;
- (c) if not, whether the authorities are prepared to consider the advisability of starting such classes in other port trusts; and
- (d) whether Indians are trained in Karachi, and whether they will be trained for the purpose in other important ports of India?

**The Honourable Sir Reginald Maxwell:** (a)—(d). I would refer the Honourable Member to the replies which I gave on the 9th and 22nd February, respectively, to Sardar Mangal Singh's and Mr. Satyamurti's starred questions Nos. 242 and 612 and to the supplementary questions arising therefrom. Passive air defence measures will, as I explained then, be initiated by the Provincial Governments on the advice of their area committees. I understand that area committees have been constituted at the five ports mentioned in the Honourable Member's question. The Port Trusts are represented on these committees, but I am unaware whether at Karachi or elsewhere they have, as the Honourable Member suggests, started their own training classes. Provincial Governments will no doubt take steps to instruct the general public how to minimise the effects of air raids, if, after considering the recommendations of their area committees, they consider it necessary to do so.

**Mr. K. Santhanam:** May I know whether any steps are being taken to limit the height of buildings in cities which are likely to be subjected to air raids?

**The Honourable Sir Reginald Maxwell:** Not so far as I am aware.

**Mr. K. Santhanam:** May I know whether Government are considering this aspect of the question?

**The Honourable Sir Reginald Maxwell:** That will be a matter for consideration by the area committees.

#### RULES FOR FIXING SENIORITY IN THE INCOME-TAX DEPARTMENT, PUNJAB.

†1601. **\*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable the Finance Member please state what were the rules framed by the Central Board of Revenue and the Commissioner of Income-tax, Punjab, in 1921 and 1922 when the Department was organised, in fixing seniority of gazetted and non-gazetted establishment in the Income-tax Department, Punjab? Were these rules issued for the guidance and information of the officials?

(b) If the reply to part (a) above be in the negative, are Government aware that all the top positions were exclusively allotted to Hindu incumbents?

---

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

(c) If the reply to part (a) above be in the affirmative, will Government please state whether these rules were in conformity with those followed by the Punjab Government, or the Government of India in their own Departments?

**The Honourable Mr. A. J. Raisman:** With your permission, Sir, I propose to reply to this and questions Nos. 1602 to 1604 together. The information is being obtained and will be laid on the table of the House in due course.

#### FIXATION OF SENIORITY IN THE GRADES OF INCOME-TAX OFFICERS AND INSPECTORS IN THE INCOME-TAX DEPARTMENT, PUNJAB.

††1602. **\*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable the Finance Member please state whether seniority in the grades of Income-tax Officers and Inspectors in the Income-tax Department, Punjab, was fixed from the date of appointment or the date of passing the examination?

(b) Are Government aware that in all other Departments seniority is fixed from the date of appointment to the grade? If this rule was not followed in the Income-tax Department, Punjab, will Government be pleased to state the reasons for not doing so?

(c) Are Government aware that from 1922 to date only two Muslims could be promoted as Assistant Commissioners in the Income-tax Department, Punjab, for a nominal period of two or three years (there being none at present), although the total number of promotions were more than a dozen, and similarly promotions from the Inspectors' cadre to the Income-tax Officer's grade from 1922 to date were more than two dozens, out of which not more than four went to Muslims?

#### APPOINTMENTS MADE IN CERTAIN CADRES IN THE INCOME-TAX DEPARTMENT, PUNJAB.

††1603. **\*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable the Finance Member please state the number of appointments made according to communities in the cadre of Assistant Commissioners, Income-tax Officers, Inspectors and clerks in the Income-tax Department by:

(i) promotion, and

(ii) direct appointment,

year by year from 1922 to 1938?

(b) Does the percentage of appointments mentioned in part (a) above correspond to the percentage fixed by the Government, and did the Muslims get their proper share? If not, what steps do Government propose to take in order to remedy this inequality?

#### EMPLOYMENT OF MUSLIM INCOME-TAX INSPECTORS IN THE PUNJAB.

††1604. **\*Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable the Finance Member please state whether it is a fact that during the last five years, only one Muslim Income-tax Inspector was promoted

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

‡For answer to this question, see answer to question No. 1601.

from Head Clerk in spite of the great disparity against six Hindu appointments made in this grade?

(b) Is it also a fact that in the last test examination held in June 1938 by a Hindu Commissioner for selecting Inspectors for future vacancies, only Hindus and Sikhs were allowed to appear? If so, are Government prepared to declare this test void, and direct the Commissioner to reserve future vacancies until the communal proportion is assured?

#### TRIALS IN REFRIGERATED TRANSPORT BY THE DEFENCE DEPARTMENT.

**1605. \*Mr. Brojendra Narayan Chaudhury:** Will the Defence Secretary please state:

- (a) whether the Defence Department interested itself in refrigerated transport; if so, the steps taken, and where;
- (b) whether the trials were said to have failed as dry ice was not available; and
- (c) if so, whether any offer to supply dry ice was received; if so, why the offer or offers were rejected?

**Mr. C. M. G. Ogilvie:** (a) Yes: Trials were carried out in 1936-37 in Waziristan, and also for the transportation of fruit and vegetable between Peshawar and Bombay.

(b) No. It was decided to stop the experiment until dry ice was established in general commercial use and at prices at which it could compete seriously with water ice for present military requirements, which are very small.

(c) Yes. The offers were not taken up for the reasons stated in the answer which I have just given to part (b) of this question.

**Mr. Brojendra Narayan Chaudhury:** May I know, Sir, what price was offered for the dry ice?

**Mr. C. M. G. Ogilvie:** I am afraid I am unaware of the price.

#### CONCESSIONS TO ANGLO-INDIAN ARTIFICERS AND APPRENTICES IN THE ARMY.

**1606. \*Sri K. B. Jinaraja Hegde:** Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that in spite of the assurances given in the last Session of the Assembly, the Anglo-Indian apprentices are still being allowed concessions as in the case of British soldiers;
- (b) whether it is a fact that an Anglo Indian apprentice whose pay during the first year of his employment is only Rs. 6 is allowed free conveyance by second class in train journeys;
- (c) what is the highest pay admissible to an Indian artificer, and what class of conveyance is admissible to him; and

- (d) what is the cost of free fooding, including messing allowance, given to Indian artificers and apprentices, and Anglo-Indian artificers and apprentices?

**Mr. C. M. G. Ogilvie:** (a) and (b). Yes, but new terms of service have been worked out.

(c) Rs. 210 per mensem for those enrolled prior to the 1st June, 1932, and Rs. 150 per mensem for those enrolled after that date. They are entitled to third class accommodation by road and rail.

(d) I refer the Honourable Member to the reply I gave to parts (c) and (d) of starred question No. 600 asked by Mr. Sham Lal on the 30th August 1938. The cost of rations issued to Anglo-Indian apprentices is Rs. 8-11-0 per mensem.

**Mr. Abdul Qaiyum:** May I know, Sir, if the new rules that have been framed are identical for Indians and statutory Indians?

**Mr. C. M. G. Ogilvie:** No, they will not be the same.

**Mr. Abdul Qaiyum:** May I know, Sir, the reason why Government tolerate and continue this discrimination when Anglo-Indians are statutory Indians for all purposes?

**Mr. C. M. G. Ogilvie:** As I have frequently replied, there is no question of discrimination involved in this at all; it is simply a matter of difference in diet and so forth.

**Mr. Abdul Qaiyum:** And pay and conditions of service?

**Mr. C. M. G. Ogilvie:** As regards conditions of service and pay, I am not clear as to whether those will ultimately be higher or lower for Indians and Anglo-Indians.

**Mr. Abdul Qaiyum:** The Honourable Member may not regard it as discrimination, but when we look at the whole question minutely, we do regard it as racial discrimination.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member may have his own opinion. Next question.

#### INDIANISATION OF THE INDIAN SIGNAL CORPS.

**1607. \*Sri K. B. Jinaraja Hegde:** Will the Defence Secretary be pleased to state:

- (a) what was the number of British officers and British soldiers authorised for the Indian Signal Corps before Indianisation;
- (b) the number of British officers and British soldiers now authorised for the above corps;
- (c) to what extent the corps have been Indianised;
- (d) whether any increase in the establishment of British officers and British soldiers has been sanctioned for the purpose of Indianisation, if so, how much by ranks; and
- (e) what is the annual cost of the increase of the above British officers and soldiers?

**Mr. C. M. G. Ogilvie:** (a) Officers...155.

Other ranks...2,190.

(b) Officers...152.

Other ranks...1,991.

(c) The following units are being Indianised:

4th Cavalry Brigade Signal Troop.

One Divisional Signals Headquarters.

One Operating Section.

One Cable Section.

One Wireless Section.

Two Infantry Brigade Signal Sections.

One Field Regiment Indian Artillery Signal Section.

These units still retain a cadre of British officers and British other rank instructors. Indian commissioned officers are being posted to these units as they become available and at a later date the British other rank instructors will be withdrawn.

(d) No.

(e) Does not arise.

**INCREASE IN THE NUMBER OF BRITISH SOLDIERS AND DECREASE IN THE NUMBER OF INDIAN SOLDIERS DUE TO MECHANISATION, ETC.**

**1608. \*Sri K. B. Jinaraja Hegde:** Will the Defence Secretary be pleased to state whether the reorganisation and mechanisation in the army has involved an increase in the number of British soldiers and a decrease in the number of Indian soldiers? If so, what are the numbers of such increase or decrease by arms of the services concerned?

**Mr. C. M. G. Ogilvie:** No, there has been a decrease in the number of both British and Indian soldiers but the decrease has been greater in the case of the former. I place on the table a statement showing in what arms and to what approximate extent the decrease has taken place.

*Statement showing changes that have taken place as a result of mechanisation, reorganization and reductions.*

Name of unit or service.	British.		Indian.	
	Increase.	Decrease.	Increase.	Decrease.
British Cavalry . . . . .	..	564	..	56
British Infantry . . . . .	..	3,452	..	2,099
Indian Cavalry . . . . .	..	..	..	102
Royal Artillery . . . . .	..	1,494	160	..
Royal Tank Corps . . . . .	..	593	..	..
Indian Signal Corps . . . . .	..	20	..	42
Sappers and Miners . . . . .	..	3	..	154
Royal Indian Army Service Corps . . . . .	38	..	342	..
Indian Army Veterinary Corps . . . . .	..	..	..	25
Indian Army Ordnance Corps . . . . .	..	..	..	..
Total . . . . .	38	6,126	502	2,478

## SERVICE BOOKS OF GOVERNMENT SERVANTS.

1609. \***Mr. Kuladhar Chajha:** Will the Honourable the Home Member please state:

- (a) whether a service book is supplied at his own cost to every officer;
- (b) whether it is given up to the officer when he resigns or is removed from service;
- (c) what offences are intended to be included in the term "fault" in Article 818, Civil Service Regulations;
- (d) whether an officer can claim its being given him on removal from service; if not, why not;
- (e) whether Government repay the cost of the service book when it is not returned even on the officer's request; if not, why not;
- (f) whether Government propose to issue orders that the service book may be returned when the officer concerned applies for it, and it is not proposed to debar him from further Government service or he is not punishable by any law; if not, why not; and
- (g) whether Government propose to issue orders that when it is decided to forfeit the service book, the officer concerned may be informed of the cause and repaid the cost; if not, why not?

**The Honourable Sir Reginald Maxwell:** (a) and (b). The Honourable Member's attention is invited to Supplementary Rules 197 and 198 on page 385 of the Posts and Telegraphs compilation of the Fundamental and Supplementary Rules, a copy of which will be found in the Library.

(c) There is no precise definition but the term is ordinarily interpreted to mean inefficiency or misconduct.

(d) No. A service book is a Government record and not the personal property of the individual. Service books are only returned when the service is terminated without fault.

(e) No. The sum recovered is for the supply of the book, and no question of refunding this arises when once the book has been used.

(f) and (g). No change in the present practice and rules is contemplated.

## KHAKSAR MOVEMENT.

1610. \***Babu Kailash Behari Lal:** Will the Honourable the Home Member be pleased to state:

- (a) whether his attention has been drawn to an article in the *Sunday Statesman* of 26th March, 1939, under the heading "Indian Dictator's 400,000 Khaki clad soldiers";
- (b) whether the Central Intelligence Bureau has information about the *Khaksar* movement; and
- (c) whether the Sind Government have granted gun licences to the *Khaksars*?

**The Honourable Sir Reginald Maxwell:** (a) Yes.

(b) Yes.

(c) Government have no information.

**Babu Kailash Behari Lal:** May I know, Sir, what is the information in the possession of Government with regard to the *Khaksar* movement?

**The Honourable Sir Reginald Maxwell:** I cannot answer a general question of that kind and give an entire account of our information.

**Babu Kailash Behari Lal:** May I know, Sir, what is the exact information in the possession of Government.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member said he cannot answer a general question of that kind.

**Babu Kailash Behari Lal:** There must be some information in the possession of Government about this movement. I want to know what is that information which they have.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member should put down a question to that effect.

**Babu Kailash Behari Lal:** But the Honourable Member was prepared to answer the question . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): He said that he is not in a position to answer a general question of that kind.

**Mr. K. Santhanam:** May I know, Sir, whether these people are trained in a military fashion? What I mean is, whether the training given to these volunteers is of a military kind?

**The Honourable Sir Reginald Maxwell:** No, Sir, it is not really of a military kind. They go through some form of drill, but I should not describe it as military.

**Mr. K. Santhanam:** Are they taught shooting?

**The Honourable Sir Reginald Maxwell:** No, Sir.

STATEMENT OF TOTAL WEALTH OF ASSESSEES DEMANDED BY THE INCOME-TAX DEPARTMENT.

†1611. **\*Mr. Sri Prakasa:** With reference to his answer to starred question No. 1147 on the 18th March, 1939, will the Honourable the Finance Member state:

- (a) if it is a fact that in the statement of total wealth called for under solemn affirmation from certain assesseees by the Income-tax Department in the financial year 1938-39, a list of jewellery, landed property, house property, investments and cash not invested in business, is required; and
- (b) the number of European businessmen who have been required to make a return of their total wealth in the financial year 1938-39?

**The Honourable Mr. A. J. Raisman:** (a) and (b). I have no further information to give beyond that contained in Sir James Grigg's reply referred to by the Honourable Member.

---

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

## RECOMMENDED INDIAN FINANCE BILL.

**1612. \*Mr. Mohan Lal Saksena:** (a) Will the Honourable the Finance Member be pleased to state when the Governor General recommended the Finance Bill this year and when the recommended Bill was sent to the Honourable the President?

(b) When was the recommended Bill received by the Assembly Department and when was it sent to the press?

(c) Is it a fact that the recommended Bill was printed on the 24th March? If so, why was no notice of the recommended amendments sent to the Members of the Assembly?

(d) Was any meeting of the Executive Council held to consider the amendments to the Finance Bill carried by the Assembly? If so, when?

**The Honourable Mr. A. J. Raisman:** (a) The Governor General's recommendation was made on the 25th March and the signature copy of the Bill in the form recommended was handed to the Honourable the President along with the Governor General's message at about 10-45 A.M. on that day.

(b) Printed copies of the Bill in the form recommended were furnished to the Assembly Department at about 10-45 A.M. on the 25th March.

(c) The Bill was sent to the Press on the 24th March and printed copies were received from the Press on the 25th March. Notice of the amendments required to bring the Bill into the form recommended could not, in the nature of things, be given in advance of the recommendation.

(d) I am not prepared to furnish the information sought by the Honourable Member.

**Mr. Mohan Lal Saksena:** With regard to part (c) of the question, may I know, Sir, whether the Bill sent to the Press for printing was in the same form as it was presented to the House?

**The Honourable Mr. A. J. Raisman:** No.

**Mr. Mohan Lal Saksena:** What was the difference between the two?

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

## CONSULTATIONS WITH REGARD TO THE APPOINTMENT OF HIGH COURT JUDGES IN INDIA.

**1613. \*Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Honourable the Home Member please state:

(a) the method by which the Secretary of State for India consults the Governor General with regard to the appointment of High Court Judges in India;

(b) whether the Governor General consults the Governors of the Provinces concerned;

(c) whether the Governors of the Provinces consult the Chief Justices of the High Courts concerned;



- (d) whether the Governors of the Provinces consult the Premiers of the Government of their own Provinces; if not, why not;
- (e) whether the attention of the Government of India has been drawn to a statement made by the Premier of Madras recently in Madras Legislature wherein he stated that the Madras Government are not at all consulted about the appointment of High Court Judges; and
- (f) whether Government propose to reconsider the whole position and arrange for the Governors of Provinces when they are consulted with regard to such appointments to consult the Provincial Governments or at least the heads thereof, namely, the Premiers; if not, why not?

**The Honourable Sir Reginald Maxwell:** The question should have been addressed to the Honourable the Leader of the House.

**DEBT DUE FROM BURMA TO INDIA.**

**1614. \*Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Honourable the Finance Member please state:

- (a) the considerations on which the debt due from Burma to India has been calculated at Rs. 50,79,81 lakhs;
- (b) the considerations on which the annuity to be paid in 43 years has been fixed at Rs. 2,24,56 lakhs; and
- (c) the actual amount which the Burma Government will pay towards the 7½ per cent. of the liability of the Government of India in respect of the central pensions in issue on the date of separation?

**Mr. K. Sanjiva Row:** I would invite the Honourable Member to the replies given by me to part (c), (e) and (f) of Mr. Manu Subedar's starred question No. 1314 on the 27th March, 1939.

**DISBANDMENT OF THE MADRAS REGIMENT.**

**1615. \*Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Defence Secretary please state:

- (a) whether the attention of Government has been drawn to the answer of the Premier, Madras Government in the Madras Legislative Assembly regarding the disbandment of the Madras Regiment;
- (b) whether it is a fact that the Government of Madras on more than one occasion had drawn the attention of the Government of India to the inequity of disbanding the regiment and had strongly pressed for the revival of the recruitment to the army in this province; and
- (c) the reasons why the Government of India have not conceded the demand of the Madras Government?

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

(c) I refer the Honourable Member to the reply I gave to part (d) of starred question No. 1493 asked by Mr. T. S. Avinashilingam Chettiar on the 4th April, 1939.

**Mr. K. Santhanam:** With reference to part (c) of the question, may I ask the Honourable Member to place the correspondence on the table of the House?

**Mr. C. M. G. Ogilvie:** No, I cannot do that.

**Mr. K. Santhanam:** May I know, Sir, if the Madras Government demanded that enlistment should be thrown open to all Madrassis without any kind of discrimination?

**Mr. C. M. G. Ogilvie:** Government, as far as I am aware, has received no communication from the Government of Madras on the subject for some time.

**Mr. K. Santhanam:** What is the last occasion on which they got a communication from the Madras Government?

**Mr. C. M. G. Ogilvie:** Some years ago.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether Government have received the recommendation that has been sent by the present Madras Government?

**Mr. C. M. G. Ogilvie:** I would inform the Honourable Member that recently no recommendation or representation has been received in the Defence Department from the Madras Government.

#### LEVY OF AN EMPLOYMENT TAX IN THE UNITED PROVINCES.

**1616. \*Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Honourable the Finance Member please state:

- (a) whether his attention has been drawn to the question and answer in the House of Commons about the United Provinces Employment Tax;
- (b) whether the attention of Government has been specifically drawn to the question of Sir Alfred Knox who said "that if there was any doubt about the legality of this tax would Colonel Muirhead refer the matter to a court, and not leave it to some unfortunate civilian to undertake such a task"; Colonel Muirhead replied: "That raises a different question. Perhaps Sir Alfred Knox would allow him to consider that";
- (c) whether this answer was given with the consent or knowledge of the Government of India;
- (d) whether the attention of Government has been drawn to the question of Sir Henry Page Croft and the reply of Colonel Muirhead "we will realise that in certain matters, the Secretary of State has a particular responsibility. I have no reason to doubt whether he will undertake his responsibility";
- (e) whether the Government of India was consulted in this matter;
- (f) whether any correspondence is going on between the Government of India and the Secretary of State; and
- (g) at what stage the matter now stands?

**The Honourable Mr. A. J. Raisman:** (a), (b) and (d). Yes.

(c), (e), (f) and (g). I am not in a position to make any statement.

**Mr. Lalchand Navalrai:** May I know, Sir, following the example of some of the Provincial Governments, whether the other Provincial Governments, who have not done so, propose to introduce the employment tax in their provinces or they have also already done it?

**The Honourable Mr. A. J. Raisman:** That is a question which should be addressed to the other Government.

**Mr. Lalchand Navalrai:** May I know, Sir, if the Honourable Member will call for the information, because there are Provincial Governments who will have to be addressed on the subject?

**The Honourable Mr. A. J. Raisman:** I cannot obtain from Provincial Governments for the Honourable Member advance information of what they may possibly be intending to do.

**Mr. K. Santhanam:** May I know, Sir, if the U. P. Government communicated their proposals to the Central Government before they introduced the employment Tax in that province?

**The Honourable Mr. A. J. Raisman:** The Provincial Government did not consult the Government of India before they introduced the measure.

**Mr. K. Santhanam:** I know they need not, but my point is whether they actually did consult the Government of India?

**The Honourable Mr. A. J. Raisman:** My answer was that they had not

CONCORDAT ENTERED INTO BETWEEN THE FINANCE DEPARTMENT AND THE AUDITOR GENERAL.

1617. \***Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Honourable the Finance Member please state:

- (a) whether the concordat entered into between the Finance Department and the Auditor General in respect of certain matters within the scope of audit is now working;
- (b) whether the Auditor General's report this year on the accounts of last year will be based on the principles enunciated in the concordat; and
- (c) whether Government will lay on the table a copy of the concordat, if not, why not?

**The Honourable Mr. A. J. Raisman:** (a) Yes

(b) Yes.

(c) I do not think that it would be suitable to lay this informal instrument on the table. Government are, however, quite ready to make it available to the next Public Accounts Committee and to invite the Auditor General to explain to them its scope and intentions.

**Mr. M. Ananthasayanam Ayyangar:** Will the Finance Member ascertain from the Law Department whether such an agreement is *intra vires* or *ultra vires* and whether it is open to the Auditor General to enter into such a concordat?

**The Honourable Mr. A. J. Raisman:** I have no doubt that this working arrangement is perfectly *intra vires*.

**Mr. M. Ananthasayanam Ayyangar:** May I ask if the Honourable Member will lay on the table a skeleton of the agreement, so that the House may have an opportunity of seeing whether the agreement is right or wrong?

**The Honourable Mr. A. J. Raisman:** I have already offered to place it before the Public Accounts Committee and have it fully discussed and explained there.

**Mr. K. Santhanam:** May I know whether this will be included in the proceedings of the Public Accounts Committee, or will it be confidentially communicated to the members of the Public Accounts Committee?

**The Honourable Mr. A. J. Raisman:** I am afraid I did not quite gather what the Honourable Member said.

**Mr. K. Santhanam:** May I know whether that will be printed in the proceedings of the Public Accounts Committee or it will be communicated confidentially to the members of the Committee?

**The Honourable Mr. A. J. Raisman:** I cannot answer that question now.

REPRESENTATIONS FROM THE RETRENCHED OFFICIALS OF THE MADRAS POSTAL  
AUDIT OFFICE.

1618. **\*Mr. M. Ananthasayanam Ayyangar:** With reference to his reply to part (f) of my question No. 878 of the 8th March, 1939, will the Honourable the Home Member be pleased to state:

- (a) whether any representations from any of the retrenched officials of the Madras Postal Audit Office have been received addressed to His Excellency the Viceroy through the Auditor General submitting that there was an irregularity in procedure in the selection of posts for abolition due to non-observance of rules on the subject and praying that His Excellency may be pleased to constitute a new Committee of Enquiry or direct the Federal Public Service Commission to hold an enquiry in the matter and send a report to His Excellency for final orders;
- (b) if the reply to part (a) above be in the affirmative, what orders were passed on the same; and
- (c) whether Government are prepared to direct that the case may be referred to the Public Service Commission, if such orders had not been passed already?

**The Honourable Mr. A. J. Raisman:** (a) No.

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

**Mr. M. Ananthasayanam Ayyangar:** Is it not a fact that the latest recruit was retained in the department whereas senior officers were given the option of retirement or going to Burma and taking service there?

**The Honourable Mr. A. J. Raisman:** I am not aware of that.

**Mr. M. Ananthasayanam Ayyangar:** Has not the Honourable Member or his department received a number of representations from those persons

affected that though they were senior officers they were transferred to Burma or given the option of retirement from service?

**The Honourable Mr. A. J. Raisman:** The department has received a large number of representations on this subject.

**Mr. M. Ananthasayanam Ayyangar:** What has the department done so far? Have they found out whether the complaint of these people was real or fancied?

**The Honourable Mr. A. J. Raisman:** The department has given these representations the most careful consideration in consultation with the Auditor General and come to the conclusion that nothing further could be done.

**Mr. M. Ananthasayanam Ayyangar:** May I know what objection the department can have to place this matter before the Public Service Commission for an impartial enquiry seeing that nearly 100 persons are affected by this?

**The Honourable Mr. A. J. Raisman:** It is not a subject which would normally be dealt with by the Public Service Commission.

**Mr. M. Ananthasayanam Ayyangar:** May I know to whom an appeal lies in such matters as this?

**The Honourable Mr. A. J. Raisman:** I believe a memorial lies to His Excellency the Viceroy.

#### APPEALS OF MEMBERS OF THE SUBORDINATE SERVICE LYING TO HIS EXCELLENCY THE GOVERNOR GENERAL.

**1619. \*Mr. M. Ananthasayanam Ayyangar:** With reference to answers to parts (c) and (d) of question No. 878 of the 8th March, 1939, will the Honourable the Home Member be pleased to state whether in the case of the members of the Subordinate Services an appeal or a revision does not lie to His Excellency the Governor General under section 241(3) and 241(5) of the Government of India Act, 1935?

**The Honourable Sir Reginald Maxwell:** No appeal lies either to the Governor General or the Governor General in Council. But under rule 18 of the rules for subordinate services, which were published with the Government of India, Home Department, Notification No. F. 9/19-30-Ests., dated the 27th February, 1932, and are still in force, the Governor General in Council, not the Governor General, has power to revise an order passed by an authority subordinate to him in exercise of powers conferred on such authority by the rules.

**Mr. M. Ananthasayanam Ayyangar:** Is the Honourable the Home Member aware that the answer just now given by the Honourable the Finance Member to a supplementary question on my previous question was that an appeal lies to His Excellency the Governor General in such matters as this?

**The Honourable Mr. A. J. Raisman:** I said, I believe a memorial lies to His Excellency the Viceroy. But this is a technical matter on which I cannot give a definite reply off-hand.

**Mr. M. Ananthasayanam Ayyangar:** If a review or revision lies to the Governor General in Council and not to the Governor General, the Governor General has got those papers relating to revision of certain cases and what will happen to them?

**The Honourable Sir Reginald Maxwell:** I do not know the particulars of the cases to which the Honourable Member refers. I have only spoken in general terms to say that a revision application does lie to the Governor General in Council.

**Mr. Lalchand Navalrai:** May I know if a revision application to the Governor General in Council will be treated in the same manner and with the same procedure as an appeal, or if there is any difference; and, if so, what is the difference?

**The Honourable Sir Reginald Maxwell:** I have said that there is no appeal. A revision application is in its nature different from an appeal.

#### PROMOTIONS TO THE ASSISTANTS' GRADE IN THE GOVERNMENT OF INDIA SECRETARIAT.

**1620. \*Rao Sahib N. Sivaraj:** Will the Honourable the Home Member please state:

- (a) whether promotions from second division clerks grade of the Government of India Secretariat to the first division assistants grade are made by selection;
- (b) what is the basis of selection; whether seniority alone or merits and suitability are the primary factors for such promotions;
- (c) whether the second division clerk who is promoted to the post of an assistant, temporarily, is required to do the work attached to that post;
- (d) whether it is a fact that in some Departments of the Government of India Secretariat promotions from second division to first division either temporarily or permanently are made only on grounds of seniority, while in other Departments selection is made from amongst those second division clerks who are declared on grounds of merit alone fit for such promotion; and
- (e) if answers to part (d) be in the affirmative, do Government propose to issue definite instructions to all Departments impressing upon them the desirability of adopting a uniform practice in the matter of such promotions?

**The Honourable Sir Reginald Maxwell:** (a) and (b). Under the rules, promotion from the second to the first division is made strictly by selection from amongst the most meritorious candidates, seniority being taken into account only when merit is equal.

(c) Not necessarily. The promoted clerk is always required to do the work of an Assistant, but it may not be the work of the Assistant in whose vacancy he is officiating.

(d) I am not aware of any such practice.

(e) Does not arise.

**GRANT OF EXTENSIONS OF SERVICE IN THE GOVERNMENT OF INDIA SECRETARIAT.**

**1621. \*Rao Sahib N. Sivaraj:** (a) Will the Honourable the Finance Member please state whether it is incumbent upon the head of a Department of the Government of India Secretariat to submit his recommendations at least six months ahead for granting extension of service after superannuation age or completion of thirty years' service whichever is earlier to any member of the ministerial establishment of the Secretariat?

(b) Have Government decided to give extension of service only very sparingly and that also in very hard and deserving cases?

(c) If the answer to part (b) be in the affirmative, have Government issued any instructions to Heads of Departments for not making their recommendations in any case for extension of service? If not, do Government propose to issue such instructions now?

(d) Is it a fact that candidates who are declared successful in examinations held by the Federal Public Service Commission for recruitment to ministerial establishment have to compete in subsequent examinations if they fail to get an appointment during the prescribed period of one year?

(e) If the answer to part (d) be in the affirmative, are Government aware that the grant of extension for service in cases referred to in part (a) affect the cases of such candidates adversely and put them to incur extra expenses?

**The Honourable Sir Reginald Maxwell:** (a) No, though as a matter of departmental procedure the question of the retirement of a ministerial servant is taken up before he reaches the age of retirement.

(b) As prescribed in Fundamental Rule 56(b) extensions of service beyond the age of superannuation are granted only in very special circumstances.

(c) In view of the replies to parts (a) and (b) the issue of such instructions is unnecessary.

(d) I may explain that candidates are not declared successful as a result of an examination held by the Federal Public Service Commission for recruitment to the ministerial establishment, but are placed in order of merit in a list and are offered appointment in this order, subject to communal considerations, to vacancies that may arise while the list is in force. Candidates who do not secure appointments may, if they so desire and are otherwise eligible, appear in subsequent examinations.

(e) As extensions of service are granted only in exceptional cases and, consequently, are very few in number, their effect on the prospects of candidates is negligible.

**Mr. Lalchand Navalrai:** With reference to the answer to clause (b) of the question, may I know if extensions are at present granted for one year or even more than one year?

**The Honourable Sir Reginald Maxwell:** I imagine the periods will vary, but I do not suppose they would often be more than one year at a time.

## INCREASE OF PAY OF SUBALTERNS OF THE BRITISH ARMY SERVING IN INDIA.

†1622. \***Mr. Sri Prakasa:** With reference to his reply to Mr. Satyamurti's starred question No. 1302, dated the 25th March 1939, will be Defence Secretary state:

- (a) the items of necessities, comforts and luxuries, increase or decrease of the cost of which is a determining factor in Government's decision regarding the salaries of subalterns and other officers of the British Army in India;
- (b) what were the relative rises in prices under the various heads of commodities which induced Government to increase the pay of subalterns on the last occasion; and
- (c) when was this increase given and what were the figures of the pay before and after the increase?

**Mr. C. M. G. Ogilvie:** (a) The main items of necessities, comforts and luxuries are:

Food.  
 Fuel and lighting.  
 Clothing.  
 House rent.  
 Servants.  
 Conveyance.  
 School Fees.  
 Passage.

(b) The rates of pay fixed in 1925 were in fact less than the rates previously in force. The increase was due to the grant of an Indian allowance. It is, of course, impossible precisely to relate this allowance to any known items of expense.

(c) The increase was given with effect from the 1st July, 1924. I lay on the table a statement showing the rates of pay for each rank before and after the revision.

*Statement showing the pre 1924-25 and the 1924-25 rates of emoluments of British Service officers of the Army in India.*

Rank.	Pre 1924-25 rates.	1924-25 rates.	
		Unmarried.	Married.
	Rs. per mensem.	Rs. per mensem.	Rs. per mensem.
Lieut.-Colonel . . . . .	1,250	1,300	1,450
Major after 5 years' service as such . . . . .	1,050	1,090	1,235
Major . . . . .	950	965	1,105
Captain after 15 years' service . . . . .	850	810	955
Captain . . . . .	750	660	795
Lieutenant after 7 years' service . . . . .	550	530	620
Lieutenant . . . . .	475	460	545
2nd-Lieutenant . . . . .	425	405	490

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



**CANDIDATES INTERVIEWED AT JUBBULPORE FOR APPOINTMENT TO THE ARMY  
IN INDIA RESERVE OF OFFICERS.**

**1623. \*Mr. Govind V. Deshmukh:** Will the Defence Secretary please state if applicants were interviewed at Jubbulpore for appointment to the Army in India Reserve of Officers in March 1938? If so, what was the number of applicants interviewed and how many were appointed out of them? What were the grounds for rejecting the applications of those who were interviewed? When were the results of the interviews communicated to the applicants?

**Mr. C. M. G. Ogilvie:** 14 candidates for appointment to the Army in India Reserve of Officers were interviewed. None were appointed but two are on the waiting list and the case of another is still under consideration. The ground for rejection was general unsuitability for military service. The results were communicated between April and July, 1938, to those who made enquiries or were rejected by Army Headquarters.

**Mr. Govind V. Deshmukh:** May I know whether there were any applicants who belonged to the University Training Corps?

**Mr. C. M. G. Ogilvie:** I am unable to say without notice.

**Mr. Govind V. Deshmukh:** May I know if the persons who applied were those who belonged to the province or were from outside?

**Mr. C. M. G. Ogilvie:** I have not the information to hand.

**Mr. Govind V. Deshmukh:** May I know if such interviews are held every year for the appointment of officers?

**Mr. C. M. G. Ogilvie:** I am not sure about that.

**BAN ON THE RETURN OF RAJA MAHENDRA PRATAP TO INDIA.**

**†1624. \*Mr. Sri Prakasa:** With reference to his replies to supplementary questions to starred question No. 1146 on the 18th March, 1939, will the Honourable the Home Member state the reply that the Government of India have sent to the United Provinces Government's representation regarding Raja Mahendra Pratap?

**The Honourable Sir Reginald Maxwell:** The United Provinces Government have been informed that the Government of India are not prepared to allow Mr. Mahendra Pratap facilities for return to India at present.

**SELECTION OF CANDIDATES FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE  
EXAMINATION.**

**1625. \*Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable the Home Member be pleased to state:

- (a) the number of candidates and the number of Muslim candidates who applied for admission to the Indian Audit, Accounts and allied services examination that was held in November 1937 from the Delhi Province;

---

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

- (b) the number of candidates and the number of Muslim candidates who were selected from among those applicants for admission to the above mentioned examination;
- (c) the number of candidates who actually appeared for the examination; and
- (d) the number of candidates who were declared successful?

**The Honourable Mr. A. J. Raisman:** (a) 28, including five Muslims.

(b) The number of candidates who were selected from the Delhi Province was ten of whom one was a Muslim.

(c) Six candidates, including one Muslim, appeared from the Delhi Province.

(d) The results have not yet been announced.

**Mr. Lalchand Navalrai:** May I know why is it that the Finance Member is answering for the Home Member?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member need not go into that now. The question should probably have been addressed to him, and as he is here, he has answered it. No harm has been done.

**Mr. T. S. Avinashilingam Chettiar:** We want to know for future guidance in case the Finance Member and the Home Member are answering on different dates.

**Mr. President** (The Honourable Sir Abdur Rahim): If there is any difficulty, the answer will be given by the Member to whom the question ought to have been addressed, when his turn comes.

**Mr. T. S. Avinashilingam Chettiar:** In that case we have to give fresh notice. We lose a day. It is better that we know to whom this subject belongs.

**Mr. President** (The Honourable Sir Abdur Rahim): In some cases it is very difficult even for the Assembly Department to find that out.

**Mr. K. Santhanam:** Should a question like this be addressed to the Finance Member or the Home Member?

**The Honourable Mr. A. J. Raisman:** Questions relating to the Audit and Accounts Service belong to the Finance Member.

#### ADMISSION OF CANDIDATES TO THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

**1626. \*Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable the Home Member be pleased to state whether a maximum limit is set for candidates to be selected for admission to the Indian Audit and Accounts Service examination and that there is no such corresponding restriction in the number of candidates for any other competitive examination conducted by the Federal Public Service Commission where practically all the applicants are admitted to the examination?

(b) If the answer to part (a) be in the affirmative, are Government prepared to admit to the Indian Audit and Accounts Service examination all the candidates who seek admission thereto?

**The Honourable Mr. A. J. Raisman:** (a) and (b). A maximum limit is set to the number of candidates admitted to the Indian Audit and Accounts Service Examination, because the number of applications every year for admission to the examination is so large that to admit all applicants would render the proper conduct of the examination impossible. The rules for other competitive examinations conducted by the Federal Public Service Commission also provide for the imposition of a similar limit, if it is found necessary. Government do not propose to depart from this policy.

#### ALLOWANCES OF THE IMPERIAL SERVICE OFFICERS SERVING IN THE PROVINCES.

**1627. \*Mr. Abdul Qaiyum:** Will the Honourable the Finance Member please state:

- (a) whether he has read the United Press message in the *Hindustan Times*, of the 23rd March, 1939, on page 2, column 4, under the heading "Imperial Services; Secretary of State's Circular" which includes the following "That very recently a circular from the Secretary of State for India has been received by the Provincial Governments regarding the allowances of Imperial Services working under these Governments was officially admitted by Mr. Bhanjuram Gandhi, Finance Minister, North-West Frontier Province";
- (b) what is this circular and when was it issued;
- (c) what are its contents, and whether it forbids Provincial Governments from even touching the allowances of such public servants;
- (d) whether any of the Provincial Governments have protested and, if so, how many;
- (e) whether the Government of India were consulted before the same was issued; and
- (f) the attitude of the Central Government with regard to this circular?

**The Honourable Mr. A. J. Raisman:** (a) Yes.

(b) and (c). It is presumed that the reference is to Finance Department Notification No. F-5 (12)-R. I/39, dated the 15th February, 1939, which appeared in the *Gazette of India* of the 18th February, 1939.

(d) No, none.

(e) and (f). I am not prepared to make any statement. The powers in the exercise of which the rules in question have been framed are vested by the Government of India Act in the Secretary of State.

**Mr. Abdul Qaiyum:** I did not hear the answer to parts (c) and (d). May I know whether any Provincial Governments have protested against it?

**The Honourable Mr. A. J. Raisman:** The answer was 'None'.

**Mr. Abdul Qaiyum:** May I know if this circular aims at limiting the power of the Provincial Governments to reduce the allowances of the Imperial services?

**The Honourable Mr. A. J. Raisman:** This is a rule framed by the Secretary of State relating to the travelling allowances of Secretary of State's officers.

**Mr. Abdul Qaiyum:** May I know whether the Provincial Governments can reduce the allowances of members of the Imperial services?

**The Honourable Mr. A. J. Raisman:** The effect of this is that they cannot reduce the travelling allowances of Secretary of State's officers without the approval of the Secretary of State.

**Mr. Abdul Qaiyum:** May I know if this rule has been framed in accordance with some section of the Government of India Act?

**The Honourable Mr. A. J. Raisman:** It has certainly been framed in the exercise of powers conferred on the Secretary of State by the Government of India Act.

#### VISIT OF THE OFFICERS OF THE BUREAU OF PUBLIC INFORMATION TO INDIAN STATES.

**1627A. \*Sardar Sant Singh:** Will the Honourable the Home Member please state:

- (a) whether it is a fact that officers of the Bureau of Public Information are going to various Indian States;
- (b) which are the States visited by them during the last six months and who are the officers;
- (c) whether these officers have gone there at the invitation of the States or at the initiative of the Government of India;
- (d) whether the expenses of these visits were paid by the States or by the Government of India and what is the total amount of the money spent on these visits during the current financial year;
- (e) if it is the policy of the Government to influence the States in the matter of the appointment of their publicity officers and publicity methods in the States;
- (f) whether the Deputy Principal Information Officer recently visited Jaipur and recommended the appointment of one Mr. Bobb for the post of Publicity Officer of the State; and
- (g) whether this was done in his official capacity as Deputy Principal Information Officer, Government of India, or in his personal capacity?

**The Honourable Sir Reginald Maxwell** (a), (b) and (c). The Principal Information Officer visited Hyderabad State in December, 1938, in the course of a journey from Madras to Bombay, in order to meet the Editor of the *Payam* who had made a request for the supply of publicity material. This is the only occasion on which an officer of the Bureau has visited an Indian State.

(d) The expenses of the visit were paid by the Government of India and amounted to Rs. 20 halting allowance.

(e) No.

(f) No.

(g) Does not arise.

**Sardar Sant Singh:** May I know if it is a fact that the Deputy Principal Information Officer visited Jaipur recently?

**The Honourable Sir Reginald Maxwell:** It is not a fact.

**Mr. Lalchand Navalrai:** May I know if they go for collecting information for the Central Government?

**The Honourable Sir Reginald Maxwell:** No, for giving it.

#### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to starred question No. 44 asked by Mr. Sham Lal on the 1st February, 1938.*

#### PROGRAMME OF RURAL DEVELOPMENT IN THE CENTRALLY ADMINISTERED AREAS.

(a) The programme of rural development in the centrally administered areas during 1935-36 and 1936-37 included :—

1. Improvement of communications.
2. Improvement of agricultural and sanitary conditions.
3. Improvement of water supply.
4. Cattle breeding.
5. Irrigation works.
6. Anti-malarial measures.
7. Supply of quinine.
8. Co-operative training.
9. Expansion of education.

The expenditure incurred in each area was :—

Name of area.	Expenditure in 1935-36.	Expenditure in 1936-37.
	Rs.	Rs.
Ajmer-Merwara . . .	4,890	21,717
Coorg . . .	19,580	47,281
Delhi . . .	1,84,111	2,15,364
Baluchistan . . .	14,476	32,630
Total . . .	2,23,057	3,16,992

(b) The expenditure has produced satisfactory results.

*Information promised in reply to starred question No. 1346 asked by Mr. P. R. Damzen on the 21st November, 1938.*

**CLASSIFICATION OF ARMENIANS EMPLOYED ON THE EAST INDIAN RAILWAY AS ANGLO-INDIANS.**

(a) Yes. I understand that owing to the fact that Armenians governed by the old East Indian Railway Company leave rules were treated as Anglo-Indians for the purpose of leave privileges, they had been included among "Anglo-Indians" in the Asansol Division. This has since been rectified.

(b) Sixteen. They are classified under the head "other minority communities", for whom there is no reservation of posts.

*Information promised in reply to part (c) of starred question No. 216 asked by Mr. K. S. Gupta on the 8th February, 1939.*

**IMPORT AND EXPORT OF CATTLE FROM AND TO AUSTRALIA.**

(c) There are no restrictions on the export of cattle from India to Australia but importation into that country of cattle is controlled with special reference to the following two conditions :—

(i) The existence of known diseases of animals in the particular country concerned and

(ii) The degree of effective organisation in the country concerned for the control of such diseases.

As the restrictions are not of a discriminatory character, the Government of India do not think it necessary to impose reciprocal restrictions.

*Information promised in reply to part (b) of starred question No. 268 asked by Mr. S. Satyamurti on the 9th February, 1939.*

**SIMLA EXODUS.**

The strength of the establishment which is this year moving to Simla from each Department is as follows :—

Departments.	Officers.	Minis- terial staff.	Inferior staff.	Remarks.
External Affairs Department .	5	87	72	
Legislative Department .	10	51	63	
Legislative Assembly Department .	4	62	36	
Military Finance Department . .	15	99	48	
Military Accountant General .	5	58	21	
Defence Department .	9	104	54	
Executive Council Office .		3	7	
Railway Department .	27	183	114	
Reforms Office .	2	21	23	
Commerce Department . . .	17	109	75	

Departments.	Officers.	Minis- terial staff.	Inferior staff.	Remarks.
Indian Stores Department .	15	174	74	
Office of the Economical Adviser to the Government of India.	7	17	11	
Communications Department .	6	69	43	
Civil Aviation .	1	6	5	
Director General Posts and Telegraphs	7	10	19	
Labour Department .	5	77	46	
Central Public Works Department .	1	2	4	
Controller of Printing and Stationery	1	7	6	
Education, Health and Lands Depart- ment.	9	94	64	
Director General of Indian Medical Service.	5	11	10	
Finance Department .	15	115	86	
Central Board of Revenues .	7	67	40	
Auditor General . . . .	2	5	7	
Director of Audit Defence Services .	2	18	6	
Home Department . . . .	8	75	64	
Federal Public Service Commission .	5	11	14	
Principal Information Officer .	7	59	38	
Director Intelligence Bureau .	10	58	54	
Total .	207	1,652	1,104	

*Information promised in reply to starred question No. 300 asked by Mr. K. S. Gupta on 10th February, 1939.*

CONTRACT FOR REMODELLING OF WALTAIR STATION YARD.

(a) No.

(b) Rs. 3,85,433.

(c), (d) and (e). The contractors are as follows :—

1. Messrs. Tata Iron & Steel Company Limited
2. Mr. K. K. Pradhan.

3. Messrs. Himmatsinka Timber Ltd
4. Messrs. S. N. Sen.
5. Messrs. H. Deer Co.
6. Messrs. Bengal Timber Trading Co.
7. Mr. S. K. Bose.
8. Messrs. Britannia Iron & Steel Co
9. Messrs. H. H. Robertson & Co.
10. Messrs. Cowans Scheldon & Co., Ltd.
11. Messrs. Britannia Engineering Co.
12. Messrs. Howrah Engineering Co.
13. Messrs. Calender's Cable Co.
14. Messrs. Brocho & Co.
15. Messrs. Saxby & Farmer (India) Ltd.,
16. Mr. B. Bheemasunkaram.
17. Mr. Premji Khengar.

There is no major contract. All the previously mentioned contractors may be regarded as having minor contracts, but the last mentioned contractor has signed a current work contract for the section, and has been given work orders as follows :

1. No. M/16 of 22-7-38—Rs. 1,561.
2. No. M/18 of 29-7-38—Rs. 1,004.
3. No. M/17 of 29-7-38—Rs. 971.
4. No. M/33 of 8-11-38—Rs. 1,046.
5. No. M/2/63 of 18-1-39—Rs. 3,315.
6. No. M/2/61 of 18-1-39—Rs. 829.

(f), (g) and (h). The conditions under which Free Service Way Bills, Railway Material Consignment Notes and Railway Material Certificates are issued are defined in the attached circular (Chief Engineer's Circular No. 14 of 1936).

In certain exceptional circumstances freight is borne by the Railway when the terms of the agreement provide for this.

#### *Booking of Railway material on Concession Certificates.*

C. E.'s Circular No. 14 of 1936.

This note indicates the correct procedure for the booking of Railway material on Concession Certificates enumerated below :—

(1) *Free Service Way Bill—Form S. N. 15—*

All parcels weighing 10 maunds and less for the Departments of the Home Railway are booked under Free Service Way Bill by Passenger train free of charge.

(2) *Railway Material Consignment Note—Form S. N. 37—*

When Railway material is booked over the Home Railway by one Railway Official to another, a Railway Materials Consignment Note is used for all consignments despatched by Goods train and also for those weighing over 10 maunds booked by Passenger train. No freight is charged when the consignment weighs ten maunds or less. For consignments weighing over ten maunds freight is charged at the Home Railway material rate and this is debited to the Department concerned by the Chief Auditor.

(3) *Railway Material Certificate—Form E. D. 3-4—*

This Concession certificate allows material to be carried at the Home Railway material rate over the B. N. Railway and at Foreign Railway rate over Foreign Railways.



This Certificate is issued under the following circumstances :—

(a) When material is despatched by a Contractor or a firm to a Railway Official or *vice versa*.

The freight is paid, if payable by the Railway, by the issue of Credit Note Form B. N. 101 and if by a Contractor or firm in cash.

Material rejected after arrival at the destination should be re-booked to the supplier "FREIGHT TO PAY" at the Home Railway material rate.

If the rejected supply is not required to be replaced, the freight paid by the Railway on the original consignment should be recovered from the Firm's or Contractor's bills. If the rejected supply is required to be replaced, the replacement consignment should be booked by the Contractor or firm "Freight Paid" at the Home Railway Material rate, no recoveries in respect of freight on the original booking being made from the suppliers in such cases.

(b) When a Contractor obtains material for use on Railway works which he himself is carrying out.

He is both the consignor and consignee in this case except as provided for on the form, and freight is paid by him in cash.

Great care must be exercised to see that not more material is included than the work demands. Each Railway Material Certificate must contain a description of material to be booked the station at which it is to be delivered and the name of the work for which it is required.

When a Contractor desires to book a larger quantity than is required for a given work for stock for future work the Certificate must be obtained through the Assistant Engineer, from the District Engineer. In other cases it is left to the discretion of the District Engineer whether the Certificate be issued by the Assistant Engineer or by himself only, but in any case it must be signed by an Officer.

A Ledger Register of Railway Material Certificates issued must be maintained for each Contractor separately by the office of issue and put up to the issuing officer with any future application for a certificate to enable him to see that the demand is reasonable.

The Register shall show the following information :

Name of work.

Date of issue and No. of Certificate.

Station of delivery.

Material.

Quantity.

A monthly abstract of the Certificates issued by Assistant Engineers shall be sent to their District Engineer who will be responsible for scrutinising it and for enquiring into any apparent excessive issue.

(4) *Certificate for condemned material and Stores.—Form S. 65 (Revised).—*

This Certificate is issued when condemned Railway Material is sold and the conditions of sale permit of the material being carried at Home Railway Material rate. Such consignments are booked as public consignments and freight paid in cash by the purchaser.

This cancels C. E.'s Circular No. 17 of 1926.

---

*Information promised in reply to part (e) of starred question No. 724 asked by Mr. C. N. Muthuranga Mudaliar on the 27th February, 1939.*

#### SIMLA EXODUS.

The cost of the exodus during 1936-37 and 1937-38 was Rs. 9,88,840 and Rs. 10,78,939, respectively. These figures include house rent allowances paid in Simla and Delhi.

*Information promised in reply to part (a) of starred question No. 814 asked by Mr. Manu Subedar on the 7th March, 1939.*

### DELEGATIONS TO THE LEAGUE OF NATIONS.

*Statement showing expenditure incurred by the Government of India in respect of delegations to the League of Nations from 1936-37 to 1938-39.*

Year.	In what connection expenditure was incurred.	Amount.
		Rs.
1936-37	Indian Delegation to the League Assembly . . . . .	4,269
	Indian Delegation to the International Labour Conference . . . . .	44,431
1937-38	Indian Delegation to the League Assembly . . . . .	3,987
	Indian Delegation to the International Labour Conference . . . . .	34,473
1938-39	Indian Delegation to the League Assembly . . . . .	3,687
	Indian Delegation to the International Labour Conference . . . . .	21,201
	Indian Delegation to the Advisory Commission on Social Questions.	3,809

*Information promised in reply to starred question No. 823 asked by Rai Bahadur Seth Bhagchand Soni on the 7th March, 1939.*

### SCHEMES FOR WATER SUPPLY AND DRAINAGE FOR AJMER.

(a) Yes.

(b) Yes.

(c) No fee is charged for advice to local authorities in Delhi since three quarters of the cost of this officer is met indirectly out of payments made by these authorities. No local authority in the Punjab or the United Provinces has asked for the advice of the Superintending Engineer, Health Services, Delhi.

*Information promised in reply to starred question No. 841, asked by Maulvi Muhammad Abdul Ghani on the 7th March, 1939.*

### REPAIR OF BOILERS OF THE CENTRAL PUBLIC WORKS DEPARTMENT, NEW DELHI.

(a) 19 and 11, respectively.

(b) The Chief Inspector of Boilers, Delhi Province.

(c) Details relating to the quotations called for in 1936-37 and 1937-38 are not available. Quotations were called for in seven cases during 1938-39 and the statement below gives details regarding the names of the firms who gave the highest and lowest quotations.

	Number of quotations.	
	Highest	Lowest.
(1) Royal Welding and Repairs Works	3	4
(2) Britannia Engineering Works . . . . .	2	2 (plus one received late).
(3) Expert Iron Foundry Works . . . . .	2	1

(d) (i). Royal Welding and Repairs Works.

(ii) Britannia Engineering Works.

(e) The Executive Engineer, Provincial Division, Central Public Works Department.

(f) The Chief Inspector of Boilers, Delhi Province.

*Information promised in reply to parts (b) and (c) of starred question No. 967 asked by Mr. Mohan Lal Saksena on the 10th March 1939.*

### IMPORT AND PRODUCTION OF ELECTRIC BULBS.

*Statement regarding the capacity of the various electric lamp factories in India and the value of electric lamps produced by them during the last three years.*

Serial No.	Name of factory.	Quantity and/or value of bulbs manufactured.						Capacity (monthly).	
		1936.		1937.		1938.			
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Normal.	Maximum.
1	Messrs. Bengal Electric Lamp Works, Ltd., Calcutta.	No. 219,000	Rs. 1,43,000	No. 317,000	Rs. 2,34,000	No. 633,000	Rs. 4,36,000	Lamps. 75,000	Lamps. 90,000
2	Messrs. Phillips Electrical Company (India), Ltd., Calcutta.	515,000	5,00,000	1,110,000	1,050,000	892,000	800,000	150,000	200,000
3	Messrs. Bharat Electric Bulb Works, Ltd., Calcutta.	Not avail- able.	32,000	Not avail- able.	30,000	Not avail- able.	35,000	15,000	20,000
4	Messrs. India Electric Lamp Manufacturing Company, Ltd., Calcutta.	20,000	Not avail- able.	30,000	Not avail- able.	50,000	Not avail- able.	20,000	50,000

Statement regarding the capacity of the various electric lamp factories in India and the value of electric lamps produced by them during the last three years—contd.

Serial No.	Name of factory.	Quantity and or value of bulbs manufactured.						Capacity (monthly).	
		1936.		1937.		1938.			
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Normal.	Maximum.
5	Messrs. Bijli Products (India), Limited, Bombay.	No. *80,000	Rs. 40,000	No. †65,000	Rs. 32,500	No. ‡90,562	Rs. 45,281	Lamps. 14,400	Lamps. 72,000
6	Messrs. Hindustan Electric Lamp Works, Ltd., Agra.	Started in 1937.		\$1,722	861	100,879	50,440	60,000	180,000
7	Messrs. Mysore Lamps Works, Limited, Bangalore.	Started in 1937.		75,323	35,000	179,269	85,000	30,000	105,000
8	Messrs. Calcutta Electric Lamp Works, Limited.	Not available.						8,000	16,000

\* For the period 1st April 1936 to 31st March 1937.

† For the period 1st April 1937 to 31st March 1938.

‡ For the period 1st April 1938 to 28th February 1939.

§ Worked for one month on a small experimental basis.  
|| Four months.

*Information promised in reply to starred question, No. 1032 asked by Shrimati K. Radha Bai Subbarayan on the 14th March, 1939.*

### HOSPITALS UNDER GOVERNMENT CONTROL IN DELHI PROVINCE.

(a), (b), (c) and (d). A statement giving the information asked for by the Honourable Member is placed on the table.

#### STATEMENT.

Serial No.	Name of Hospital.	Particulars as to constitution and functions of Governing Body of Advisory Council (if any).	Charges for treatment in the public wards (if any).	Discrimination on racial grounds (if any) in accommodation and difference in scale of charges.	Whether the wards and private rooms are classified on communal or racial basis.
1	2	3	4	5	6
1	A.—Government Hospitals. Irwin . . .	An Advisory Committee exists consisting of Chief Medical Officer, Delhi, Civil Surgeon, New Delhi, Chief Health Officer, Executive Engineer in charge of buildings, representatives of Lady Hardinge Medical College Hospital (1), Delhi Municipal Committee (2), New Delhi Municipal Committee (1), two non-medical ladies nominated by Delhi and New Delhi Municipal Committees respectively, and one non-official medical practitioner nominated by Chief Commissioner. Nursing Superintendent acts as Secretary but does not vote. Functions of Committee are advisory, but recommendations not accepted by Chief Medical Officer are referred to Chief Commissioner for orders.	No charge is made for treatment in the public (i.e., the general) wards.	None . . .	No.

Serial No.	Name of Hospital.	Particulars as to constitution and function of Governing Body of Advisory Council (if any).	Charges for treatment in the public wards (if any).	Discrimination on racial grounds (if any) in accommodation and difference in scale of charges.	Whether the wards and private rooms are classified on communal or racial basis.
1	2	3	4	5	6
2	Hindu Rao	No Advisory Committee exists	There are no public wards. The Hospital treats patients living in European style, on nursing home lines and fees are charged under rules, approved by the Government of India. Indigent European patients for whom no other accommodation exists are sometimes treated free, but the Chief Commissioner's sanction has to be obtained in each case.	None	No.
3	Belak Ram	No Advisory Committee exists	Government servants are admitted, and treated free of charge.	None	No.
4	Police Hospital	No Advisory Committee exists	A Departmental hospital at which members of the Delhi Police Force are treated free of charge.	None	No.

5	<i>B.—Aided Hospitals.</i> Lady Harding Medical College Hospital.	The Hospital is administered by a Governing Body and Executive Committee, these being organs of an Association registered under Act XXI of 1860. A copy of the "Memorandum of Association Rules and Regulations and Byelaws" will be found in the Library of the House.	No charge is made for treatment in the public (i.e., the general) wards.	None	No.
6	St. Stephen's.	The Hospital is administered by a Standing Committee of the Mission Council of the Cambridge Mission to Delhi and the South Punjab. This Committee consists of the Medical Superintendent, and the doctor next senior under her; the Nursing Superintendent and the Sister next senior under her; the head dispenser and Evangelist; the Head of the Cambridge Mission and the Head of the Community of St. Stephen; two men and one woman belonging to the Mission and selected respectively by the men and women members of the Mission; and two representatives elected by the Delhi Municipal Committee.	Treatment is free for poor patients in the public (i.e., the general) wards. A sum fee of Rs. 5 is charged for patients admitted to the general wards and able to pay, and a fee of Rs. 5 is similarly charged for convalescents specially attended by staff nurses instead of student nurses. Operation fees not exceeding Rs. 10 are also charged when patients can afford to pay.	None	No.
7	Victoria Zangana  <i>C.—Municipal Hospitals.</i> Willingdon Hospital, New Delhi.	The Hospital is administered by a Society registered under Act XXI of 1860. A copy of the Memorandum of the Association and of the Rules and Regulations is appended.  Managed by the New Delhi Municipal Committee.	No charge is made for treatment in the public (i.e., the general) wards.	None	No.
			No charge is made for treatment in the public (i.e., the general) wards.	None	No.

NOTE.—Rural dispensaries some of which take in patients are omitted. In all these dispensaries treatment is free.

*Memorandum of Association of the Queen Victoria Zangana Hospital Society.*

(Registered as a Charitable Society under Act XXI of 1860.)

1. The name of the Society is the Queen Victoria Zangana Hospital Society.
2. The object of the Society is to start and maintain a Pardah Zangana Hospital for medical and surgical aid to women, and especially pardah women, in suitable quarters, and in connection therewith, if possible, to maintain a training institution for Nurses and Dais in the name of our beloved Queen Victoria, by public charity and the doing of all such other things and acts as are incidental or conducive to or necessary for the attainment of the abovementioned object.
3. A copy of the Rules and Regulations of the Society certified to be a true copy by three members of the Governing Body is filed with this Memorandum of Association.

---

*Rules of the Society and Regulations of the Queen Victoria Zangana Hospital.*

1.—RULES OF THE SOCIETY.

1. Every person who has made, or who in future will make, a donation of not less than Rs. 500 to this Society, or his nominee shall be a member of this Society.
2. If the number of the members is at any time less than forty, the then members may elect other male adults of the Province of Delhi to make up forty.
3. A member shall cease to be member on his death, resignation, bankruptcy, insanity, or conviction of an offence cognisable by the Police.
4. A register of such members as have from time to time been elected or as are members, by reason of their donations, shall be maintained by the Honorary Secretary of the Society.
5. A meeting of the members on the above mentioned register shall be held once in every year to pass accounts. A special meeting shall be called at any time on the request in writing of not less than five members presented to the Honorary Secretary of the Society.
6. The Chief Commissioner of Delhi, the Deputy Commissioner, the Civil Surgeon Delhi and the Honorary Secretary of the Society shall be *ex-officio* members of the Society. The Chief Commissioner of Delhi shall be President of the Society.
7. The Chief Commissioner or in his absence the Deputy Commissioner shall preside at every meeting of the members; in the absence of both the Chief Commissioner and the Deputy Commissioner, the members present shall choose one of their members to be chairman of such meeting.
8. Every member shall have one vote: in case of equality of votes on division the chairman for the time being shall have a casting vote.
9. Votes may be given either personally or by proxies, provided that no proxy shall be accepted unless it has been received by the Honorary Secretary before the time appointed for the meeting.
10. Eight members present in person or by proxy (of whom at least five must be present in person) shall form a quorum for a meeting of the members.
11. The Governing Body of this Society constituted under the next following rule  
As amended by resolution No. 3, dated 3rd August 1926. shall appoint one of its members as Honorary Secretary of the Society and of the Governing Body, and the Secretary so appointed shall hold office for three years or for so long as he remains such member, whichever be the shorter.
12. The management of the business of the Society shall be carried on by a Governing Body consisting of :—  
As amended by resolution No. 3, dated 3rd August 1926.
  - (a) The Deputy Commissioner and the Civil Surgeon of Delhi;
  - (b) Four members of the Society of the Victoria Zangana Hospital nominated by the Society in a General Meeting once every three years.



(c) Eight Municipal Commissioners nominated by the Municipal Committee of Delhi from time to time as vacancies occur; two of whom to be the Members of the Society.

(d) Two persons to be nominated by the Countess of Dufferin Fund.

Provided as follows :—

(a) All Municipal Commissioners shall cease to be members of the Governing Body as soon as the Municipal Committee of Delhi ceases to contribute a sum of not less than Rs. 10,000 (Ten thousands) annually to the Society for maintenance of the Hospital.

The representation of the Countess of Dufferin Fund is Contingent on its contributing a sum not less than Rs. 6,000 to the funds of the Society.

(b) A Municipal Commissioner shall cease to be a member of the Governing Body as soon as he ceases to be a Municipal Commissioner.

(c) Casual vacancies occurring in the office of Governors nominated by the Society under rule 12 (b) may be filled up, for the remainder of the period of the term of office of such Governors, by the remaining Governors from amongst the members of the Society.

(d) No proceedings of the Body of Governors shall be invalid by reason of any vacancy remaining unfilled, in their number.

(e) Quorum for a meeting of the Body of Governors shall be three.

(f) The Governing Body may delegate any of its powers to one or more of their members, by a resolution.

13. The members of the Society in general meeting may from time to time, alter or modify these regulations, subject to the approval of the Local Government.

## II. REGULATIONS.

I. The staff shall consist of women only, and the treatment of the patients shall rest entirely with the lady doctor in charge.

II. The following shall be visitors of the Victoria Zanan Hospital, Delhi.

(a) The Chief Commissioner and the Chief Medical Officer, Delhi, and any other person appointed by the Local Government.

(b) The wives of the Chief Commissioner and the Deputy Commissioner of Delhi.

(c) Such members of the Governing Body and their wives as may be from time to time deputed by that body.

(d) Other ladies who may be nominated as visitors by the Governing body.

III. The lady Doctor in charge, Victoria Zanan Hospital, shall submit annually to the Governing Body a report of the Administration of the Hospital.

IV. All contributions towards the Victoria Zanan Hospital received by the Honorary Secretary, whether from local bodies, from Provincial Funds, from Private individuals, or otherwise shall be credited to the hospital fund.

He shall maintain for the Hospital an account as follows :

(a) On the credit side shall be entered from time to time as may be paid in all contribution to or other income of, the Victoria Zanan Hospital.

(b) On the debit side shall be entered all sums disbursed for the Hospital.

(c) On the 31st day of March in each year the balance of this account shall be struck, and the amount to credit or debit, as the case may be, shall be carried forward to the account for the following year.

(d) The accounts for each year shall be submitted to the members of the Society and shall be advertised in one daily paper for the information of the public.

(e) The Governing Body shall maintain the following registers :

1. Members of the Society for the time being.
2. Movable and immovable property of the Society.
3. Proceedings of the members of the Society and the Governing Body.

V. Strict *pardah* shall be observed throughout the Hospital. Any member of the staff introducing a male or allowing one to enter any part of the Hospital except under condition laid down by the Governing Body will render herself liable to immediate discharge without compensation.

VI. The Governing Body shall meet at least once a quarter and all communications for that body shall be submitted through the Honorary Secretary.

VII. The accounts of the Society shall be audited annually by a certified auditor nominated by the Deputy Commissioner.

---

*Information promised in reply to starred question No. 1063 asked by Mr. Mohan Lal Saksena on the 15th March, 1939.*

CALLING OF THE INCOME-TAX ASSESSEES IN BAI BARELI DISTRICT TO  
FYZABAD.

- (a) Yes, from January 1939.
  - (b) A representation was received from the President, Traders' Association, Rae Bareli.
  - (c) Yes.
  - (d) The matter is under consideration.
- 

*Information promised in reply to starred question No. 1068 asked by Mr. Brojendra Narayan Chaudhury on the 15th March, 1939*

FALSE CHARGES AGAINST AJIT KUMAR BARDHAN, BY SERJEANT-MAJOR  
W. J. BERRAGAN, WHILE TRAVELLING BY THE DARJEELING MAIL.

(a) and (b). The facts of the case are stated in full in public documents, namely, in the charge to the jury and the finding and sentence of the Court of the Additional Sessions Judge, Alipore, District, 24 Parganas, Bengal, in trial No. 2 of November Sessions of 1938.

- (c) Yes.
- (d) None, as Government do not consider any action on their part necessary.

*Information promised in reply to unstarred question No. 37 asked by Mr. Muhammad Azhar Ali on the 18th March, 1939.*

**PERSONS EMPLOYED IN THE DELHI POLICE FORCE.**

(a) Three Superintendents of Police, one Assistant Superintendent of Police, three Deputy Superintendents of Police, 12 Inspectors, 12 Sergeants, 45 Sub-Inspectors, 31 Assistant Sub-Inspectors, 225 Head Constables and 1,790 Constables.

(b) All are of the male sex.

(c) The information is given in the attached statement (Statement A).

(d) The information regarding place of birth is not readily available but a statement (Statement B) showing districts of origin is enclosed.

(e) The required information is given in the attached statement (Statement C).

(f) Recruitment to the Police is made from the types most suitable for police service, and not in accordance with communal considerations. There is not, however, any undue preponderance of any community or district.

(g) It will be seen from the statements furnished in reply to parts (d) and (e) of the question that residents of Delhi (which is little larger than a tahsil) are adequately represented in the lower ranks. Officers of the rank of Assistant Sub-Inspector and upwards are deputed from the Punjab.

**STATEMENT A.**

*Statement showing the community to which the Officers and men of the Delhi Police belong.*

Rank.	Community.					Remarks.
	Euro- peans.	Hindus.	Moham- madans.	Sikhs.	Indian Chris- tians.	
Superintendents of Police	2	..	..	1	..	
Assistant Superintendent of Police.	1	..	..	..	..	
Deputy Superintendents of Police.	1	1	1	..	..	
Inspectors . . . .	4	5	3	..	..	
Sergeants . . . .	12	..	..	..	..	
Sub-Inspectors . . .	..	17	24	4	..	
Assistant Sub-Inspectors	..	5	18	7	1	
Head Constables . . .	..	78	128	17	..	There are 2 vacancies.
Constables . . . .	..	580	1,004	169	..	There are 37 vacancies.
Total . . . .	20	686	1,178	198	1	



[illegible]

## STATEMENT B—contd.

Name of districts.	Supdt. Police.	Asstt. Supdt. Police.	Dy. Supdt. Police.	Insp.	Sergeant.	S. I.	A. S. I.	H. C.	Constable.	Total of each district.
71. Bharatpur State	..	..	..	..	..	..	..	..	1	1
72. Garhwal State	..	..	..	..	..	..	..	..	1	1
73. Loharu State	..	..	..	..	..	..	..	..	1	1
74. Jaipur State	..	..	..	..	..	..	..	3	15	18
75. Kashmir State	..	..	..	..	..	..	..	..	4	4
76. Nabha State	..	..	..	..	..	..	..	2	8	10
77. Gwalior State	..	..	..	..	..	..	..	..	4	4
78. Patiala State	..	..	..	..	..	..	..	4	21	25
79. Vacancies	..	..	..	..	..	..	..	2	37	39
Total	3	1	3	12	12	45	31	225	1,790	2,122

## STATEMENT C.

Statement showing the total number of each community by districts of officers and men of the Delhi Police Force.

Serial No.	District.	Euro-peans.	Hindus	Moham-madans.	Sikhs.	Indian Chris-tians.	Total
1	Europeans . . . . .	20					20
2	Delhi . . . . .		219	82			301
3	Rohtak . . . . .		144	160			304
4	Gurgaon . . . . .		80	77			157
5	Karnal . . . . .		17	28			45
6	Hissar . . . . .		4	4			8
7	Ambala . . . . .		10	18	10		38
8	Ludhiana . . . . .		3	9	16	1	29
9	Jullundur . . . . .		14	28	37		79
10	Amritsar . . . . .		2	5	10		17
11	Simla . . . . .			1			1
12	Ferozepore . . . . .		4	14	15		33
13	Lahore . . . . .		5	6	4		15
14	Hoshiarpur . . . . .		19	32	34		85
15	Sheikhupura . . . . .			2	2		4
16	Sargodha . . . . .		9	12	1		22
17	Rawalpindi . . . . .		17	169	6		192
18	Lyallpur . . . . .			9	44		53
19	Gujranwala . . . . .		1	4	3		8
20	Shahpur . . . . .		4	17			21
21	Sialkot . . . . .		3	15	5		23
22	Jhelum . . . . .		6	85	2		93
23	Kangra . . . . .		8	1			9
24	Attock . . . . .		3	10			13
25	Montgomery . . . . .		1	6			7
26	Gujrat . . . . .		4	34	2		40
27	Jhang . . . . .		2	1			3
28	Gurdaspur . . . . .		4	9	3		16
29	Multan . . . . .		1	1			2
30	Mianwali . . . . .		1	2			3
31	Kohat . . . . .			1			1
32	Mardan . . . . .			2			2
33	Dera Ismail Khan . . . . .		1				1
34	Dera Ghazi Khan . . . . .		2				2
35	Hazara . . . . .			5			5
36	Peshawar . . . . .		1	3			4
37	Aligarh . . . . .		2	17			19
38	Bijnor . . . . .			20			20
39	Saharanpur . . . . .			11			11
40	Bareilly . . . . .			2			2
41	Agra . . . . .		7				7
42	Muzaffarnagar . . . . .		2	61			63
43	Meerut . . . . .		32	43			75
44	Moradabad . . . . .		3	28			31
45	Hardoi . . . . .			1			1
46	Unao . . . . .			1			1
47	Mirzapur . . . . .		1				1
48	Gonda . . . . .		1				1
49	Faizabad . . . . .			1			1
50	Farrukhnagar . . . . .			1			1
51	Muttra . . . . .		1	1			2
52	Bulandshahr . . . . .		10	31			41
53	Shahjahanpur . . . . .		1	3			4
54	Mainpuri . . . . .		1				1
55	Partabgarh . . . . .		1	1			2
56	Budaun . . . . .		1	11			12

## STATEMENT C—contd.

Serial No.	District.	Euro-peans.	Hindus.	Moham-madans.	Sikhs.	Indian Chris-tians.	Total.
57	Etawah . . .	..	1	..	..	..	1
58	Indore . . .	..	..	1	..	..	1
59	Sultanpur . . .	..	3	..	..	..	3
60	Khulna . . .	..	1	..	..	..	1
61	Fatehpur . . .	..	..	2	..	..	2
62	Farrukhabad . . .	..	..	3	..	..	3
63	Calcutta . . .	..	2	..	..	..	2
64	Fatehgarh . . .	..	..	1	..	..	1
65	Alwar . . .	..	4	24	..	..	28
66	Faridkot . . .	..	..	1	..	..	1
67	Rampur . . .	..	..	2	..	..	2
68	Jind . . .	..	5	11	..	..	16
69	Punch . . .	..	..	2	..	..	2
70	Kapurthala . . .	..	..	4	..	..	4
71	Bharatpur . . .	..	..	1	..	..	1
72	Garhwal . . .	..	1	..	..	..	1
73	Loharu . . .	..	..	1	..	..	1
74	Jaipur . . .	..	3	14	1	..	18
75	Kashmir . . .	..	..	4	..	..	4
76	Nabha . . .	..	3	6	1	..	10
77	Gwalior . . .	..	2	2	..	..	4
78	Patiala . . .	..	9	14	2	..	25
	Vacancies . . .	..	..	..	..	..	39
	Total . . .	20	686	1,178	198	1	2,083 39
							=2,122.

Information promised in reply to starred question No. 1225 asked by Mr. M. Ananthasayanam Ayyangar on the 22nd March, 1939.

#### EFFECT ON THE POSTAL AUDIT OFFICES IN INDIA OF THE SEPARATION OF BURMA.

(a) (i) 148 (including temporary posts).

(ii) 159.

(iii) 115

(iv) 17.

(v) Nil.

(b) Yes. 22 temporary posts were created from August, 1937, in the office of the Deputy Accountant General, Ports and Telegraphs, Calcutta. They were filled up in the usual manner either by recruitment or by promotion of officials from lower grades.

(c) and (d). The entire pensionary liability of all officers transferred to the service of the Burma Government is to be borne by them as part of the general financial settlement between India and Burma.



*Information promised in reply to starred question No. 1412 asked by Mr. Brojendra Narayan Chaudhury on the 30th March, 1939.*

**CONDUCT OF A EUROPEAN MILITARY OFFICER AND HIS WIFE TOWARDS THAKUR KALYAN SINGH, AIDE-DE-CAMP TO HIS HIGHNESS THE MAHARAJA OF JODHPUR, WEARING A Dhoti, WHILE TRAVELLING IN THE FRONTIER MAIL.**

(a) and (b). The facts of the case are set out in the judgment by Rai Sahib Lala Dwarka Das in the Gujranwala District criminal case No. 217/3.

(c) Yes, by ordinary educational methods and lectures.

(d) A major in the Royal Indian Army Service Corps.

(e) and (f). Do not arise.

## THE HINDU WOMEN'S RIGHT TO DIVORCE BILL.

### PRESENTATION OF PETITIONS.

**Babu Baijnath Bajoria** (Marwari Association: Indian Commerce): Sir, I present 113 petitions signed by 4,164 petitioners regarding the Bill to give a right to divorce to Hindu women under certain circumstances.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): May I put a question to Mr. Bajoria.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot put any question.

**Mr. M. Ananthasayanam Ayyangar**: The rules contemplate questions being put by one Member to another Member. I want to know how many.....

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair cannot allow any questions now, as the Honourable Member is only presenting certain petitions.

**Mr. Badri Dutt Pande** (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural) May I enquire.....

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member may not enquire.

## THE INDIAN SUCCESSION (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Abdur Rahim): Legislative business. Sir Cowasji Jehangir.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadian Urban): Mr. President, I beg to move:

"That the Bill to amend the Indian Succession Act, 1925, as respects Intestate Succession amongst Parsis, as passed by the Council of State, be taken into consideration."

This Bill was originally introduced in the Council of State by the late Honourable Sir Phiroze Sethna on the 20th of September, 1937. On the same day, the same Honourable Member moved that the Bill be sent for circulation to elicit public opinion, and that the opinions be asked

[Sir Cowasji Jehangir.]

for by the 15th of January, 1938, at the latest. On the 4th of April, 1938, the late Sir Phiroze Sethna moved that the Bill be referred to a Select Committee. Before the Bill could be considered by the Select Committee, the untimely death of Sir Phiroze Sethna took place, and all proceedings that had taken place up till then came to a sudden end under the rules of the Council of State.

The identical Bill was re-introduced into the Council of State by the Honourable Mr. M. N. Dalal, who had been elected in the place of the late Sir Phiroze Sethna, and referred to a Select Committee, consisting of the Honourable Sir David Devadoss, the Honourable Rai Bahadur Lala Ram Sajan Dass, the Honourable Mr. Ramadas Pantulu, the Honourable Mr. G. S. Motilal, the Honourable Mr. M. N. Dalal, the Honourable Mr. R. H. Parker, and the Honourable Mr. S. A. Lal.

The Select Committee's Report was presented on the 23rd of March of this year and the Bill was passed by the Council of State on the same day.

Mr. President intestate succession in the Parsi community is governed by the Parsi Intestate Succession Act XXI of 1865. This Act was repealed by the Indian Succession Act XXXIX of 1925, but no change whatsoever was made in the law with regard to intestate succession in my community. Therefore, the law is now 74 years old, and, in the opinion of my community, is becoming antiquated due to the progress and more enlightened views held today by the community. It was found necessary to redraft a few sections of the Indian Succession Act of 1925 not only to give effect to some radical changes, which the community thought were necessary, but to incorporate, as far as possible, the judicial decisions which had been obtained during the last 74 years. This work was first undertaken by the Parsi Central Association, of which, I have the honour to be President. It was referred to a committee of lawyers whose report was published and widely circulated for information, and criticism. Nearly every important Parsi Association submitted their opinions and the draft Bill was very carefully examined by the Trustees of the Parsi Panchayat, who, in January 1938, invited a conference of the representatives of all important Parsi Associations, which had expressed opinions on the proposed legislation. The Bill, as presented to the Council of State, and considered by its Select Committee, was the result of this conference, and the views expressed by the Trustees of the Parsi Panchayat. I can, therefore, say with confidence that the Bill, I have the honour to request this Honourable House to consider, has the complete support of my community and all my Co-Trustees of the Parsi Panchayat.

The proposed section 50 does not appear in the old Act and is purely explanatory due to some judicial decisions.

Under the old Act if a male Parsi died intestate, leaving a widow, sons, and daughters, each son got twice as much as the widow, and four times as much as each daughter. According to the proposed section 51 of the Bill each son will get the same share as the widow and only twice as much as each daughter.

In this Bill a new provision is included whereby the father and mother, if alive, of a Parsi male who dies intestate, shall, in the case of the father, get a share equal to half the share of each son, and in the case of a mother half the share of each daughter.

According to the present Act if a female Parsi died intestate leaving a widower and children, the widower got twice the share of each child. According to the proposed section 52 of this Bill, the widower and the children will get equal shares.

According to the old Act, if the child of a Parsi intestate dies during the life time of the parent, the widow or widower and issue inherit as if the child had died immediately after the death of the parent. In the Bill certain changes are made by the proposed section 53, the main effect of which is to exclude the son-in-law, but give to children of a predeceased daughter her share in equal portions. The second change is that if a son dies in the life-time of an intestate Parsi leaving no lineal descendant but a widow, half his share goes to his widow, but the other half reverts to the intestate's property.

Proposed section 54 is a reproduction of the existing section 55 with necessary changes of a consequential nature, and proposed section 55 reproduces the existing section 56 in the same manner.

There is no material change in the Schedule except adding to the list a father and mother of deceased intestate Parsis.

I have now given the Honourable House the material amendments proposed to be made in the Act and I can only conclude by assuring the Honourable House that this measure has the fullest support of my community.

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

"That the Bill to amend the Indian Succession Act, 1925, as respects Intestate Succession amongst Parsis, as passed by the Council of State, be taken into consideration."

The motion was adopted.

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

"That clause 2, as passed by the Council of State, stand part of the Bill."

The motion was adopted.

Clause 2, as passed by the Council of State, was added to the Bill.

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

"That clause 3, as passed by the Council of State, stand part of the Bill."

The motion was adopted.

Clause 3, as passed by the Council of State, was added to the Bill.

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

"That clause 1, as passed by the Council of State, stand part of the Bill."

The motion was adopted.

Clause 1, as passed by the Council of State, was added to the Bill.

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

"That the Title and the Preamble, as passed by the Council of State, stand part of the Bill."

The motion was adopted.

The Title and the Preamble, as passed by the Council of State, were added to the Bill.

**Sir Cowasji Jehangir:** Mr. President, I beg to move:

"That the Bill, as passed by the Council of State, be passed."

I thank the House for the courtesy shown to me and for the short time within which it proposes to pass this Bill.

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

"That the Bill, as passed by the Council of State, be passed."

The motion was adopted.

### THE HINDU WOMEN'S RIGHT TO DIVORCE BILL.

**Mr. President** (The Honourable Sir Abdur Rahim): The Assembly will now resume consideration of the motion moved by Dr. Deshmukh on the 18th February, 1939, namely :

"That the Bill to give a right to divorce to Hindu women under certain circumstances be referred to a Select Committee consisting of the Honourable Sir Reginald Maxwell, the Honourable Sir Muhammad Zafrullah Khan, Mr. C. J. W. Lillie, Mr. A. K. Chanda, Mr. Ghulam Bhik Nairang, Maulvi Syed Murtuza Sahib Bahadur, Mr. F. E. James, Mr. Suryya Kumar Som, Mr. Bhulabhai J. Desai, Shrimati K. Radha Bai Subbarayan, Sardar Jogendra Singh and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Dr. G. V. Deshmukh** (Bombay City: Non-Muhammadan Urban): Mr. President, I recommend the Bill—which I had the honour to put forward before this House—to the approval of this House. Sir, I want the House to approve of it for these reasons. I think it will help the House if I explain the reasons as to why I wish that the Bill should be passed as soon as possible. To begin with, Sir, this Bill is what you might call only an enabling measure, or what is technically called, I suppose, a permissive measure. Now, if this Bill is passed, what is going to happen?

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): "Om Mandli" perfected!

**Dr. G. V. Deshmukh:** It might help my friend, Mr. Lalchand Navalrai, to start another "Om Mandli", Sir.

**Mr. Lalchand Navalrai:** But you are sending it round the world and round the whole of India!

**Dr. G. V. Deshmukh:** I think all the divorces would help you to establish a new "Om Mandli".

Well, Sir, it is an enabling measure, in the sense that if this right is given to Hindu women, so far as this aspect of the married state is concerned I say it will not interfere with those women who do not want to have their divorce.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): How many are waiting for it.

**Dr. G. V. Deshmukh:** I will answer that. It does not compel any Hindu woman, if she so wants, to continue in her present stage of religion or superstition or misery or agony. She can continue in that life. It does not compel her to give that up and ask for the divorce. After all, it is her choice. What does the Bill do? Supposing any woman thinks that the life that she is carrying on is not consistent and it is not what a human being is entitled to carry on, then, all that this Bill does is just to give her the right to ask for the divorce. In other words, this is merely a measure of relief given to her. It does not compel anybody. On the other hand, if there is some person who wants to have this measure of relief from the distress, then all that the House has to do is merely to show her a way of escape out of the miserable life that she is likely to lead at the present time. So much for the simplicity of the Bill.

So far as the Hindu religion is concerned, it will not interfere with the observance of the Hindu religion in any way. My orthodox friends will tell me that it is a question which is 3,000 or 30,000 years old. I do not know what is the length of the period that my orthodox friends consider of Hindu religion. But it will not interfere with a single observance of any of the Sanatanists, both men and women, if this Bill is allowed to be passed. The merit of this Bill is not only this but I claim that it is a hundred per cent. Hindu measure. That is another merit of this Bill. If it were not a hundred per cent. Hindu measure, I cannot imagine that one of the most orthodox Ministers at the present time, my Honourable friend, Mr. Rajagopalachariar of Madras, would have agreed with the principles of the Bill.

**Mr. M. S. Aney** (Berar: Non-Muhammadan): He is not orthodox.

**Dr. G. V. Deshmukh:** You are blaspheming him. There is a tendency amongst the superstitious and ignorant orthodox people that they are the only people who are orthodox and Sanatanists. If it is pointed out to them that this is not heterodoxy but this is only the tenets of Hinduism which are only to be looked upon not in the light of blind faith but in the light of reason and if a lamp is shown to them and they are told what is contained in their real religion, the charge is brought forward by the super-orthodox gentlemen that they are not orthodox. Now, who is an orthodox person? I can lay claim as much to my religion, its literature, its philosophy and its lore, as my friend, Mr. Bajoria.

**Mr. Lalchand Navalrai:** Is he opposing you?

**Dr. G. V. Deshmukh:** I do not know. But I have an idea that being really an orthodox and a really religious person after the light that I show him, it is quite likely that he will not oppose it. Any little change that is suggested, even according to the tenets of the religion itself, is resented by these super-orthodox gentlemen and they say it is not Hinduism. Then, what is Hinduisim? On the other hand, you will find that Hinduism has been doing nothing but changing and changing all the time so that it can adapt itself to the changing circumstances.

**Mr. Akhil Chandra Datta** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Why not explain the Bill first?

**Dr. G. V. Deshmukh:** It is not necessary at the present stage. Sir, I may be allowed to put forward my arguments in the way in which I am accustomed to, and in which I think best. I might as well request the House to have a little patience with me.

**Mr. President** (The Honourable Sir Abdur Rahim): Let the Honourable Member proceed.

**Dr. G. V. Deshmukh:** I make this request for this reason also that like my Honourable friend, on the left, I am not very fond of hearing my own voice or taking the time of the House unnecessarily. As the House well knows, I do not usually take the time of the House on all questions. Therefore, I hope that I will have your indulgence and also the indulgence of the House in putting forward my arguments in the way in which I think it best.

As I was saying, Hinduism has been changing repeatedly. It is only those who will not look at their own religion who will maintain that Hinduism is fixed and it cannot ever change. Even according to Manusmriti, which is supposed to be the book for Hinduism, my friends will admit that it says :

अन्ये धर्मे कलियुगे नृणां युग रूपानुसारतः ।

There are different religions for different Yugas. There are different religions for Kal Yuga; different religions for Satya Yuga; different religions for Dwapara Yuga. Perhaps I may bring to the notice of the House how Hindu religion changes by a very apt example which exists in this House. Formerly, as you know, only Brahmins and Kshatriyas were entitled to speak on religion, from amongst the Hindus. What is the present position? My Honourable friend, Mr. Bajoria, who does not belong either to the Brahmin or the Kshatriya class and is not entitled to speak on religion, is the President of all the Indian Sanatanists today.

I do not grudge the position which my friend, Mr. Bajoria, occupies today. With his vast influence and with his vast knowledge of Hinduism, he is fully entitled to speak on this subject and nobody is more happy at this change than I am. The point that I want to urge on this House, and I hope I am not offensive to my friend, Mr. Bajoria,—is this and I want to explain the whole thing in a thoroughly Hindu fashion. I am myself a hundred per cent. Hindu, and I believe in transmigration, re-birth, of individuals from age to age.

**Maulana Zafar Ali Khan** (East Central Punjab: Muhammadan): You are Hindu today and you may become a Mussalman tomorrow.

**Dr. G. V. Deshmukh:** I hope not. My friend, Maulana Zafar Ali Khan, will be sorely disappointed, because, I believe that my Hindu religion gives me all the liberties, supplies me with all the philosophy of life and gives me all the happiness that I want. If my religion is looked at from the proper point of view and if it is adapted to the circumstances, not only me, but no Hindu need look at any other religion. Therefore, I am very sorry, my friend, Maulana Zafar Ali Khan, will be disappointed. If, even in this twentieth century, it is thought that only that man who belongs to a certain religion and who practises certain rituals, according to some priests, is good and no other people, then it is very wrong. Although I am a proud Hindu, it is not that I do not admire the universal brotherhood of Islam. It is not that I do not admire the justice that has been done to women in Islam.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable 12 Noon. Member is speaking too much to interruptions.

**Dr. G. V. Deshmukh:** I will take just sufficient notice which serves any purpose. As I was saying Hindu religion has been changing. As I was giving an illustration, it may be, that my Honourable friend, Babu Baijnath Bajoria, might have been a Manu in the older age or he might have been one of the 14 *Swambuwa* Manus. He is naturally interested in orthodoxy. I am prepared to admit that. But with the changing times, instead of being born a Brahman he has allowed himself to be born in the Vishya caste which has nothing to do with religion, but whose main duty is "*krishi*" and "*go rakshana Vanejyam*". The point I am urging is that these are changing times. If you look round and if you will not shut your eyes to the progress that is going on all round you and that has been going on admittedly in Hinduism also, then, I say, the time has come when we must change, if not rapidly at least slowly, and if slowly, efficiently. It is no good remaining stationary when all round everything is changing. I say, the time has come when we must change ourselves if not radically, at least, to the extent that our religion allows us to change. Therefore, besides being an enabling Bill, I say this is cent per cent Hindu Bill. I was talking of my friend, Mr. Rajagopalachariar. If this had not been a 100 per cent Hindu Bill, how would Mr. Savarkar, the President of the Hindu Mahasabha, have approved the Bill? All intelligent Hindus have approved of this Bill (Interruption). I am prepared to go to the extent of saying that those who do not approve of this measure are not intelligent Hindus, that is my opinion. It is not merely the political leaders that I am quoting to this House to show that this is a cent per cent Hindu measure and approved of by all of them. After what I saw my Honourable friend, Babu Baijnath Bajoria, did, I am emboldened to present this to the House. My Honourable friend, Babu Baijnath Bajoria, presented to the House a petition signed by 4,000 persons. I have a better opinion to offer to the House and that opinion I have already taken the liberty to circulate to all the Members of the House including you, Sir, the Honourable the President of this House. I hope you received it, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member does not expect the Chair to read every document that he sends.

**Dr. G. V. Deshmukh:** I thought the Post Office was efficient enough to deliver it to you.

I might have asked the Honourable the Home Member to include this also amongst the list of public opinion elicited in connection with this Bill. I did not do that because, in any case, this opinion is circulated to Honourable Members in the House.

**Babu Baijnath Bajoria** (Marwari Association: Indian Commerce): How many people have signed your opinion?

**Dr. G. V. Deshmukh:** Signed by all the leaders of Hindu community all over the country. I see my Honourable friend, the Leader of the House, shaking his head.

**The Honourable Sir Nripendra Sircar** (Law Member): I was not shaking my head. They are big men, but their opinions are not for your Bill.

**Dr. G. V. Deshmukh:** I hope the Honourable Member has read them. If the Honourable Member is alluding to opinions which have been received by the officials, later on, I am going to analyse them and I will prove to

[Dr. G. V. Deshmukh.]

the House that the Honourable the Leader of the House is wrong in saying that the opinions are not in my favour. If the Honourable the Leader of the House has really read them, then I say, without fear of contradiction, that he would not have made that interruption that it is not in my favour.

**The Honourable Sir Nripendra Sircar:** I have read them, I have analysed them, and I will give them to the House.

**Dr. G. V. Deshmukh:** Nobody will be more pleased than myself.

**The Honourable Sir Nripendra Sircar:** You would be very much displeased.

**Dr. G. V. Deshmukh:** Displeasure will be on the other side. What is the opinion that I have received and from whom? Before I come to this Bill, I will let the House into a secret. I may inform the House that what a difficult position it is for a Legislature to enact any laws especially with regard to social legislation, knowing, Sir, how difficult it is for social legislation to pass through the House, knowing also how, not only the Government should approve a social legislation but that social legislation must be approved of by all the public—the orthodox section of the public—I took the trouble of consulting the elders, the Pandits, the leaders of religious opinion. In my list of opinions is included the opinions of Vidwaratnas, Tathva Shastris, Shravtacharyas, and so on—these are all titles given by their own orthodox people—Vedanta Vachaspatis and Shastris and many learned Pandits were consulted. I wanted to know what exactly my position was. As I said it is not that I do not know something about my own religion. I claim to know something about my religion, not as a superstitious ignorant person saying merely that Hinduism is this or that, but I take pride in thinking that I am a student of Hinduism; if it comes to that, I am a student of everything with which I have to deal, and, therefore, having this humble mentality, I took the liberty of asking these learned men their opinions, so that I may have some guidance from them and I was amazed and I was astonished that I got the opinion that my Bill was not outside the four corners of Hindu law; and what is more, later on, the House also will have to admit and the Government also if it is to occupy a consistent position will have to admit that this is not outside the four corners of Hindu law. Therefore, I claim that this is a cent per cent Hindu measure.

I know that if a measure is to be opposed, then it can be opposed on many grounds: if it is according to religion, then it is not according to logic, and if it is according to logic, then it is not according to technicalities of law or general principles of law. I know, Sir, all these arguments can be trotted out. There are insuperable difficulties in the way of social reform. If a reform is too narrow, this is too narrow, this is doing work piecemeal and you cannot achieve very much by it. If you put forward a measure which is comprehensive and which will deal with many aspects of the evil, then it is too radical; you want this country to be torn asunder by Bolshevism. These are the sort of arguments which can be put forward. Having gone through a certain amount of experience with regard to social legislation, I admit frankly that thanks to the help and assistance of Government—and here I acknowledge frankly on the floor of the House—thanks to the help that I have received from the Honourable the Leader



of the House himself, but for whose assistance, I know that many of the social Bills which have seen the light of day and succeeded at present in ameliorating the social conditions of Hinduism would never have been passed. I am honest enough to stand here and admit all this. But I say, in spite of that, when a measure is not to be carried out, then you will find all these hundred and one difficulties trotted out. Therefore, on account of this, I thought that I should at least make certain of one thing, namely, whether what I am suggesting is only according to logic, only according to rationalism, only according to humanity, or does it come within the four corners of Hindu law? And I myself thought that it would be a better, wiser and more practical policy to eschew logic and technicalities and general principles of law, and, instead, take something which can come within the four corners of the Hindu law. If at a later stage Members of the House point out some legal irregularities or inconsistencies with logic or general principles, I want the House to bear this fact in mind that it is not that these things were not thought of; but I thought that it would be much better to give something practical which is likely to be accepted,—not without resistance of course,—by the general masses and the public, than come forward with a paper Bill, ideal in all its conditions though it may be. Anybody can easily do that with the assistance of one or two members of the legal profession, and it is not that I did not consult members of the legal profession. But taking their opinions I thought it would be much better if I could put forward a Bill, not so much to change the society or to remove the evils of Hindu society with one fell swoop; but that if I can help to remove whatever acute, pressing and urgent evils there may be I would be doing as much as one possibly could. And it was with that intention that I started collecting opinions and I started with the orthodox people. After that, I necessarily thought that it would be much better to have the opinion from the administrators and those who had a great deal to do with the general masses and the public life of the country. I do not know if I am entitled to put this book of opinions on the table.

**Mr. President** (The Honourable Sir Abdur Rahim): The original documents should be placed on the table. The Chair understands printed copies have been circulated. The Chair does not know if the Honourable Member wants the whole thing to be printed. That may be a bulky document.

**Dr. G. V. Deshmukh:** No, Sir, it is very small. It is only a quarter of the opinions collected officially.

**Mr. President** (The Honourable Sir Abdur Rahim): Without creating any precedent, it may be laid on the table.

**Dr. G. V. Deshmukh:** I was speaking now about religious men and Pandits. They say:

“This Conference is of opinion that the right of divorce should be granted to both men and women belonging to such sections of the Hindu community in which at present no such right exists, under the following conditions:”

**The Honourable Sir Nripendra Sircar:** That is not your Bill.

**Dr. G. V. Deshmukh:** Yes, I know, and I will tell you why I modified it. I thought I was explaining all the time why I modified it. Sir, I do not want to take the time of the House unnecessarily by reading from this.

**Mr. President** (The Honourable Sir Abdur Rahim): If the Honourable Member has supplied copies to all Members, he can refer to particular passages. But he need not read the entire document.

**Dr. G. V. Deshmukh:** Very well, Sir. Therefore, as I say, this Bill is an enabling Bill; it is a hundred per cent Hindu Bill. Now what is the state of public opinion with respect to it? Even so far as the opinion collected by the officials is concerned, I see that opinion is in favour of the principle of the Bill. And apart from any legal technicalities, the principle of the Bill is divorce.

**The Honourable Sir Nripendra Sircar:** No; divorce for women.

**Dr. G. V. Deshmukh:** That is a detail. That is the qualifying clause. Anyway I do not want to cross swords with the Honourable the Law Member.

**The Honourable Sir Nripendra Sircar:** Then don't.

**Dr. G. V. Deshmukh:** I do not want to cross swords with him so far as legal matters are concerned. But on every other matter he will not find me hesitating to cross swords with him; and he will find me a fairly tough opponent. And what is more, I do not expect to be worsted by him or by anybody else. I have got what is known as "plus" mentality and I do not expect failure. I know Government will oppose this Bill on some trivial technical points, because I do not see how even Government can oppose it so far as the principle of adaptation to changing circumstances is concerned. Even, if Government oppose this Bill I have not the slightest doubt that this House will not be frightened by the Government opposition and will show the same grit and spirit in social matters as it has been showing in political and—speaking to my European friends—in economic matters. After all, what is it I saw the other day?

**Babu Baijnath Bajoria:** This wooing will not succeed.

**Dr. G. V. Deshmukh:** It has succeeded already.

Sir, as I was saying, I have seen the Muslims, Europeans, Congress and Congress Nationalist Parties going into the same Lobby in spite of Government opposition. And, therefore, let this House not be frightened by Government opposition, because we are not such spineless people in the House at the present time. If we are convinced that the measures we bring forward are righteous and according to good conscience and the dictates of humanity, it does not matter two hoots whether Government support or oppose them. If they support, we will welcome their support; but if they oppose it is their funeral and not ours. They will carry again the reputation that they do not want the people of this country to improve either socially or politically or morally and that they want to keep us down-trodden, no matter where. Even if it is a social legislation which is suggested by a private Member's Bill they will not lend their support but over some trivial technicality they will come forward and oppose it. Therefore, I am not frightened. I have faith in my colleagues who are representatives of the people. I know they will follow the right path; and if the Government oppose, I am sure they will come forward to support me and defeat this Government in their unrighteous attitude. It is most surprising to me to see the attitude of the Leader of the House, because not so very long ago . . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): Has the Leader of the House spoken yet on this Bill? The Honourable Member is anticipating too many difficulties. The Law Member has not yet spoken on the Bill, and the Chair thinks, the Honourable Member (Dr. Deshmukh) had better deal with the Bill itself.

**Dr. G. V. Deshmukh:** I wish to urge on the House why it should accept the Bill . . . .

**The Honourable Sir Nripendra Sircar:** I have not yet declared my attitude towards this Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member will have a right of reply. It is no good going on in this fashion.

**Dr. G. V. Deshmukh:** If I am going to have a right of reply, I shall take up this matter later. I was told by some experienced Members that I will not have a right of reply.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has a right of reply.

**Dr. G. V. Deshmukh:** In any case, this is quite relevant. I will put it this way: I hope that the Government will take up the same attitude as they took in the other House on the Resolution to restrict polygamy . . . .

**An Honourable Member:** That was different.

**Dr. G. V. Deshmukh:** From the official report of the Council of State Debates, on the Resolution regarding the appointment of a committee to undertake legislation in regard to Hindu marriages, it appears that the Honourable Mr. Puckle said:

"Either the first or the last subjects, monogamy *versus* polygamy, or divorce, would be full occupation for a committee. I cannot believe that any committee could tackle the two together. And in any case it seems to me that to put both these things into the terms of reference of the same committee is attacking the matter in a wrong way. The restraint of polygamy and the grant of facilities for divorce are the two opposite ends of the same subject. If you had adequate divorce facilities, coupled with some law providing for maintenance, I take it that polygamy would within a few years die a natural death except for those who prefer that state of married happiness."

- Further on, he said:

"But it must not be taken that because we oppose this Resolution the Government are not interested in seeing progress made in this matter or that we never propose to offer any contribution to the proper solution of the problem except mere obstruction."

All that I want is that the Government will take up the same attitude in this House and will not put forward a policy of mere obstruction. Mr. Puckle further said:

"As regards divorce reform, I think the Government in the United Kingdom never did undertake legislation. It was left to a private Member and it was only when Government realised that the electorate was behind it that they gave facilities to Mr. A. P. Herbert to pass his famous Bill. I think the Honourable Mover may take heart and if he finds it difficult at the moment, he has only got to confront Government with a demand which, though not unanimous, is at any rate general and we may be able to help."

This is what the Government said in the other House.

**Babu Baijnath Bajoria:** It is against you!

**Dr. G. V. Deshmukh:** That shows how you will interpret your religion. I am waiting for it. My Bill seems to me to satisfy all the canons that the Government representative in the Council of State wanted. This Bill is by a private Member. I want the Government not to take up an attitude of obstruction but to follow the canons they laid down in the other House. This is a private Bill, and provided there is sufficient general opinion the Government should be prepared to support it. This is all I want and that is why I quote from the Council of State Debate.

I hope, Sir, that the Government will take up an honest attitude with respect to this Bill. It would hardly be right for them to determine their attitude by one set of principles in one House and another set of principles in the other. The principle laid down in the other House was that the Bill should not be a comprehensive one dealing with a certain kind of evil and it should be brought forward by a private Member and there need not be absolute unanimity of opinion but merely sufficient public opinion to support the measure. I hope that the same policy will be followed in this House, provided the measure brought forward satisfies those conditions. I hope that the Government will be honest and that the spirit of Colvin and Grant is not dead from the administration. The last social measure of reform of any importance was in 1856 when the Widows Remarriage Act was passed. The British Government is never tired of pointing out to us how they have stopped the great evil of *suttee* in Hinduism. My countryman had a share in it—Raja Ram Mohan Roy who came from the same province as my Bengali friends here and from which province we have the honour of having the Leader of the House himself. I will not be wanting to give full credit to the Government of the day for this reform of *suttee*, but I say, that in that measure which wiped out a great disgrace from the face of Hinduism my countryman was associated. After 1829, when this *suttee* was abolished, the next social reform of any importance came in 1856, after 27 years. What I want to know is this. Between 1856 and 1939 . . . .

**Babu Baijnath Bajoria:** On a point of information, the Honourable Member has not yet spoken one word about the Bill.

**Dr. G. V. Deshmukh:** If I may put it this way, I do not see why the House should be impatient about this, because this is a Bill which does not give you all the arguments beforehand. It is not like the Income-tax Bill or the Motor Vehicles Bill which every Member is supposed to have thought and read about. There are many people—my European friends for example do not know anything about what I am bringing forward: or my Muslim friends for that matter . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair takes it they are waiting for him to explain the Bill.

**Dr. G. V. Deshmukh:** I am. It is a matter of persuasion. I have got to persuade my colleagues to accept this Bill and that is why I said the House may be indulgent towards me. It is no secret—it has been given out that Government is going to oppose the Bill . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is attempting to reply before the Government have spoken. It seems to the Chair that the Honourable Member is devoting a little too much time in anticipating difficulties.

**Dr. G. V. Deshmukh**: I will just read this, and I hope, Sir, that the spirit of Grant and Colvin is not dead in the administration of today. Now, what did Mr. Colvin say in 1856?

**Mr. M. S. Aney**: That was before the mutiny?

**Dr. G. V. Deshmukh**: Yes. This is what he said then. If he knew certainly that but one little girl would be saved from the horrors of **Brahmacharya** by the passing of this Act, he would pass it for her sake.

I am reading this, because, later on, the House will find that among the objections raised to the Bill, arguments have been advanced to show that this is not so much of an evil . . . .

**Mr. M. S. Aney**: What is the date on which that speech was made?

**Dr. G. V. Deshmukh**: It was made on 12th July, 1856. Then, continuing his speech, he observed:

"If he believed as firmly as he believed the contrary that the Act would be wholly a dead letter, he would pass it for the sake of the English name."

I hope, Sir, that the same spirit which animated that noble-minded Englishman to make this statement still prevails, at any rate I hope that spirit is not dead, and that in the interest of humanity and righteousness, the Government will support the measure I have brought forward, if not for the sake of humanity and righteousness, at least for keeping up their own fair name as one of their own representatives said a long time ago. Further, I need hardly point out to the House that the conditions that prevail today,—after this I shall come to the Bill,—are far more propitious the circumstances are far more favourable, than they were in the year 1856, because what were the conditions prevailing then? You will presently see what they were when I come actually to the opinions on the Bill. You will see the same objections that were raised in those days are brought forward today that this measure is against Hindu religion, that it will uproot the whole society, that it is a coercive measure, that it is not according to the technicalities of the law and so forth. Therefore, I hope that the Government of India, today, will take the same bold and sound view which Mr. Colvin took in those good old days, which the Legislators maintained under very different and adverse circumstances in those days. There is another additional advantage today, Sir, and it is this. Today we have an Indian Law Member and Indian Members on the Executive Council who can guide us. In 1856 there were only six or seven European Members. The Government need not be frightened at the present day by supporting a public measure of this kind, because, all of us, on this side, are elected representatives of the people. If there is any odium or criticism to be borne on account of the measure that we bring forward, it is we who will face it. Government need not be frightened about it. In those days, Sir, there were any number of objections to the measure, the plea was put forward that it was interfering with the liberties given to the people by the Queen's *magna charta*, that it uprooted the whole Hindu society and so forth, yet, in spite of all this opposition, the measure was regarded as good and sound in the interest of humanity

[Dr. G. V. Deshmukh.]

and in the interest of the society as a whole by those five or six Englishmen who, taking courage in both hands, passed it bravely, and without any fear, because they believed that the measure was an absolutely right one. What I want to urge upon the Government today is, the circumstances at the present time being far more favourable than in those days, they should boldly support this Bill.

Now, Sir, the House has been somewhat impatient with respect to what I might call a very necessary introduction to the subject. Therefore, I shall presently come to the Bill itself and say that the time I took for introduction might perhaps be shortened,—at any rate I will try to shorten it,—when I come to deal with the Bill itself. Now, Sir, what is the problem today? I think the problem is a very simple one, and let me put it this way. I, as a married Hindu, am impotent, but all the same I want my wife, because according to Hinduism marriage is not a contract but a sacrament. I think I am putting the case before the House quite fairly. But what does the State say? Government in its rational moments realises, I hope, that marriage with an impotent person cannot be a marriage in fact or in law or in reason,—I am not bothered about the technicalities of it, and that even according to scientists, according to physiology and biology, such a union cannot be regarded as marriage in the true sense, but the State comes forward and says—“Yes, according to Hinduism marriage is a sacrament and not a contract, and therefore, although you are impotent you must have your wife, and the State with all its powerful machinery and courts supports the impotent person”—me,—I am illustrating it,—although I have no business, according to all ideas of common sense to have a wife. Now, what does this Bill seek to do? It merely asks you to take a natural view of things, and it says that such a marriage shall not continue. Are there not authorities in our own Shastras to support this? I say there is every authority to support this view in our own Shastras, to show that there shall not be a marriage with an impotent person. Nay, the Shastras go even one step further. They lay down that an impotent person has no business to marry. Later on, when I come to deal with this matter in detail, I will cite the authorities. At present I merely want to place before the House the whole problem in a summary form, so that the House may be able to follow my arguments which I may urge later on, because, then they will neither be impatient nor charge me as being irrelevant. This is so far as impotency is concerned. Then coming to the next clause . . .

**Maulana Zafar Ali Khan:** If a woman happens to be barren, can she divorce her husband?

**Dr. G. V. Deshmukh:** I will answer it later.

Then, Sir, the next part in the Bill deals with change of religion. This Bill is intended for Hindus, the very people who say that marriage is a sacrament and not a contract. Now, even if I change my religion, I claim my wife as a matter of right. Though we were married according to Hindu rites, I may become anything, I may become a non-Hindu, and yet I claim my wife, because, I have been married according to the Hindu sacrament, and, therefore, I must have the claim of having that individual as my wife. I think the joke has gone too far. What do the opinions say? The opinions say, “No, no; you cannot do that. This Bill is all wrong and is going to destroy the whole of the Hindu society”, because, this thing is put-

forward. The proposition is plain. If I am a Hindu and if I want to claim any of the privileges of a Hindu, then I must continue as a Hindu, but if I change my religion, surely, the rights that I have got and the privileges that I enjoy on account of being a Hindu should not be allowed to continue. What was it in the older Shastras? As soon as a man changed his religion he was considered to be dead, he had no right either to property, wife or to anything else, and yet the present day claim of many of these orthodox gentlemen and superstitious gentlemen is this. They say, "No. This shall not be because marriage is a sacrament and not a contract". The Government come forward and say, "You are quite right. You may change your religion; all the same we will support you because according to Hinduism marriage is a sacrament and not a contract". One of the objections I see, in the papers, is that we cannot have this Bill because there is not sufficient representation of Sanatanists or people holding Sanatani views in this House. If this kind of argument is going to prevail, what legislation are you going to pass here? Can you pass any legislation with respect to labour? What representatives are there for labour except my Honourable friend whom I always admire,—I mean, Mr. N. M. Joshi? There is only one representative of labour, and yet this House will undertake legislation for labour. In the case of the Motor Transport Bill, what representation had we with regard to the chauffeurs and drivers? They had no representation at all and, still, we undertook legislation. Instances may be multiplied to an innumerable extent, and yet as an argument it is put forward against this Bill that we cannot undertake legislation of this kind because we have not got sufficient representation of the orthodox section. I, therefore, submit, that if any argument of this kind is brought forward, it should not be supported by this House. What is the third condition?

Marrying another woman while the first marriage is in force. They all think that this is really against religion. It is nothing of the kind. It is not against religion at all. What it is against is this. It is against the privileges of the so-called marital selfishness and not against religion. What is the good of saying that it is against religion? Religion does not sanction a thing of this kind. I shall go into this in greater detail later. As a Hindu can marry 100 wives, and my friends here are at a disadvantage here. They can marry only four, but as a Hindu I can marry 100 wives. And what is the argument? Marriage is a sacrament and not a contract! What is a sacrament? I do not profess to know what is a sacrament although I have tried to understand what it is. But I do know one thing, and that is that marriage is not a unilateral sacrament. For a marriage two parties are required and if marriage is a sacrament, it ought to be a sacrament for both of them. If that is so, how is it, I want to know from all gentlemen who are connected with administration, who are connected with Sanatanism and all the other important affairs of this world—I want to know, if it is a sacrament for both, how is it that one of the parties to the sacrament can marry 100 times, whereas the other party is totally prevented from marrying another. This is what I would like to know with respect to the sacrament. Therefore, I say that this idea of sacrament is all wrong and nonsense. If it is to be a sacrament, then I, personally, have no objection if it applies to both equally, and a woman who is prevented from marrying again—the same law should apply to man. Do not let me be misunderstood by anybody, that I am caring for this Bill.

[Dr. G. V. Deshmukh.]

No, I am not. If you are going to have a better Bill than this, by all means have it, and I will support it whole-heartedly. I do not care who brings it forward. On the floor of the House I make an open offer to the Government that if, as in the case of the anti-Phookah Bill, they bring forward a Bill or promise me that they will get rid of this evil as soon as and as quickly as they did in the case of the anti-Phookah Bill, that before the end of the Simla Session they will bring forward a Bill which will get rid of all the evils in the Hindu society, I am perfectly willing to withdraw . . . .

**The Honourable Sir Nripendra Sircar:** The anti-Phookah Bill dealt with cows and not with women.

**Dr. G. V. Deshmukh:** In Hinduism cows are supposed to be more respectable than women. It is a natural progress; from cows; let us come to women. Unnecessarily I have been misunderstood. I do not care if I am misunderstood. I have been misunderstood by both my sisters and my Sanatani brothers as well as by my progressive friends. I am not bothering about it. I know that is the fate of everybody who wants to bring forward some kind of practical social legislation. I underline the word practical. My sisters say, "You have brought this Bill forward only for women. Why not for men?" Idealists and those paper theorists come forward and say, "No, no. This is not right. You should bring it both for women as well as men". I have managed to displease all the parties, but I have this consolation, and that is the usual one. When you displease all the parties you can be certain that you are in the right.

**Sir Cowasji Jehangir:** If you displease everybody, what chances has the Bill?

**Dr. G. V. Deshmukh:** I know. I am not bothering about it. It is not a Parsi Succession Bill, because, I have to move 150 millions of mass. It is quite easy for you, but you can get through your Bill quite easily, but it is not the same for me. If I can give a little motion or momentum to this inert mass, I feel that I have done something, as much as you could do with a small community like yours. (Interruption.) If you do not want to be answered, do not interrupt.

If this is the stunt or this idea among the Hindus and if the State is going to support it, then I say it is the first duty of the State to enforce right ideas of sacrament on the parties. This is not a sacrament like the Upanayan or getting one's hair cut. This is a sacrament in which two human beings are involved and, therefore, the conditions which apply to one must apply to the other. To those logical persons who say that the defect of this Bill is that it does not provide divorce for men, I say this. Under the present circumstances they cannot do it. If they are really sincere about it I hope that they will allow polyandry. May I explain. I see a little astonishment on some faces: At the present time as a Hindu, I can marry a dozen or a hundred wives, because, amongst Hindus marriage is a sacrament and not a contract. These gentlemen know that at present, as things are, unless a Bill is brought forward for divorce, they cannot change the conditions. The only logical thing for them to do is to allow their wives to marry as many husbands as they want.



**An Honourable Member:** Then, she cannot be a wife.

**Dr. G. V. Deshmukh:** I welcome these interruptions. They help me. It is true that a man who has 20 wives cannot be a husband. You may call him a debauchee but according to your religious ideas you have to call him a husband. After all, this is only according to rationalism. It is also according to Hindu religion. Really speaking according to the old Hindu religion a man can only marry one wife and he can only marry another after he had burnt the first wife. I will quote history.

**An Honourable Member:** Mythology. •

**Dr. G. V. Deshmukh:** No. I will quote shastras. That will be even better, so that I am on firm ground there. The strict injunction is that the Hindu husband can only marry a second time after the death of the first wife,—not by *sati*. At the same time, he could not be a husband of more than one wife. I hope there will be no misunderstanding as to why I have dropped out this idea of equal rights so far as divorce is concerned from my Bill. I have been very badly criticised all over the country by my legal friends and by my logical friends as to why I dropped this provision out. It was not done on account of foolishness or inadvertently. It was done because I am brought more in contact with the practical sides of life on account of my profession. Now, Sir, my friend, Mr. Shival Motilal, I am proud to say a Congress colleague of mine, freely mentioned that it was only after seeing my Bill that he gave notice of his monogamy Bill. I said "Very well, let us get whatever we can. If you get monogamy in the Upper House and I get divorce in the lower House, then two of the worst evils in Hindu society would have disappeared and there would be no question of whether we are starting at the right end or the wrong end and there would be no excuse given to conscientious objectors". Now, we are reduced to this position. So far as the Government are concerned, they will not have anything to do with the measures of polygamy or monogamy. If you read the speeches of some Members in the Upper House, you will see that they say "there is already a divorce Bill in the Lower House and, therefore, let us postpone the consideration of this question till that is decided". That is what has happened to one end of the question. At this end of the question, it is said that it is only a divorce Bill for women. It must be connected and associated with a monogamy Bill. Otherwise, it is an imperfect and illogical measure and let us have nothing to do with it. This is a reprehensible kind of attitude on the part of any person, much less the Government or any institution and it is for that reason I pointed out what the Europeans of 80 years ago did. I really hope that humanitarian spirit has not died out of the administration. This kind of chicanery and cleverness may be all right for a court of law—we cannot take the divorce Bill because the monogamy Bill is already in the Upper House. We cannot take the monogamy Bill because we want to see what happens to the divorce Bill in the Lower House. This finesse may be all right for a court of law but it will not do where human miseries and agonies are concerned. Let us not have recourse to all these legal chicaneries. If we don't want a measure, come forward and say so that we will continue this business of sacrament in Hindu law. This kind of alliance between orthodoxy and Government has gone on too long. This Government-orthodoxy axis must be weakened. I may go further and say that this Sircar (Sircar means Government) Sanatani axis.

[Dr. G. V. Deshmukh.]

must be put an end to. This male totalitarianism in Hindu law has gone too far and too long and it is about time that the democratic forces on this side put their foot down and said "No, you cannot go on."

Now, I come to the fourth clause "if her husband has deserted her for a continuous period of three years". If the husband has deserted the wife for three years, may I know if it is to be called marriage? I am not wedded to this period of three years. This period is not sacrosanct. If for "three years" the House accepts "five years", I am quite willing. (Interruption.) I know that some of my Honourable friends have read their Hinduism—I said, according to Kautilya कौटिल्य it does not exceed more than one year; according to the ideas of those days, the period of desertion does not exceed more than one year.

**An Honourable Member:** Question.

**Dr. G. V. Deshmukh:** The Honourable Member himself is a question to me. Sir, I have put forward three years as a compromise.

1 P.M. Sir, if the House says that three years is too long a period, I am willing to accept any other figure but do not let us have any quibbles and do not let them say, "this is not in your Bill and, therefore, we cannot accept it". Sir, if it is not in my Bill, my offer to the Government is, "bring forward a Bill of your own". Government having plenty of time, they can bring forward these measures whenever they want. What kind of pretext is this,—that this Bill does not contain provisions for both, therefore, both the Bills cannot be accepted. I say, if Government are anxious to improve these defects in the Bill, Government have ample reasons for seeking to remove them.

**An Honourable Member:** Will that not be an interference with religion?

**Dr. G. V. Deshmukh:** If the Government are willing to give time today, I can put forward another Bill in consultation with the legal luminaries here; provided Government give me time to bring it forward on an official day and we can get through all the stages, I am perfectly willing to take the odium of my community upon myself. If the Government will only be good enough and gracious enough—as Government did with respect to even this Bill, because I do not want to be ungrateful to anybody, they have helped with respect to this, so let them do the same and we can get rid of this difficulty. There is another way, namely, that do not let Government or anybody oppose this measure today. Let it be sent to a Select Committee. When it goes to a Select Committee, Sir, well, improve it then, put forward all the provisions that you think necessary. I want both the Honourable the Home Member and the Honourable the Law Member to help me. I say that there is another way. I belong to a constructive profession . . . . .

**An Honourable Member:** Destructive.

**Dr. G. V. Deshmukh:** . . . Yes, destructive so as to construct. I say that this kind of objection can easily be got over. If you are not agreeable to allow time for a fresh Bill by me or any other individual Member, I am not bothering about it; I say what Government can do is to send it to a

Select Committee, fill in all the lacunae, make up all the defects and so you can say that the Bill is so changed that we want to send it round for public opinion. I am prepared to go to that extent but on one condition and that is that the Bill is not unnecessarily prolonged on account of technical difficulties and on the condition of a promise being given that in the Simla Session they will give time for the report of the Select Committee to be considered fairly early in the Session. There is another way and it can be done in that way. All these technicalities I have heard from my legal friends do not impress me at all. My object with regard to this Bill is somehow or other this question of the "deserted wife" in Hinduism must be solved. You see it every day. Nowadays, it is of recent public importance. So long as you can solve the question I am more than happy. That is what I am anxious about, and if the Government will do that, very well, nobody will be more happy. Now, with regard to the desertion for a continuous period of three years, I say, the Hindu law does not allow the wife to be deserted. I have known of instances where people deserted their wives for five, six and seven years and even know of instances where young married girls, before they had had any children, had been deserted by their husbands and had been away for seven, eight, nine and ten years and then returned. (Interruption.) This is an enabling measure. I wish these irrelevant interruptions may not occur. I say that as regards a woman who is deserted, if she likes to continue in that state of happy marital life, it is nobody's business. This Bill will not interfere with her, but if she does want a change, you must certainly give her some way of relief and escape and that is all that this Bill aspires for. Sir, I have known of instances where they have returned after their child-bearing period was over. I want to know what is the good of such marriages. It is true that so far as the marriage itself was concerned, it was a sacrament and not a contract according to the Hindu religion. Therefore, this is the fourth condition I have put forward in my Bill. Now, you will find, therefore, that by consultation with both legal gentlemen as well as religious persons, I hoped that I would be able to reduce the Bill to such a skeleton that there should not be any opposition.

**Babu Baijnath Bajoria:** To such a skeleton that there would be no life left in it!

**Dr. G. V. Deshmukh:** My friends will never see any light anywhere; it is utter darkness. I think I would reduce it to such an irreducible minimum so that nobody can object to the Bill. I very much regret to see that the Bill has been objected to. Now, I can understand a superstitious obstinacy in objecting to this Bill. I can understand that because nothing better could be expected. I certainly expect to meet their opposition as I said at the earlier stage of my speech. But when I am informed that, with this superstitious obstinacy, power and prestige and legal knowledge and influence is going to be allied, then I say that the time has come when I must explain the whole position to the House. I could have, at this stage, easily left this Bill and brought my speech to a conclusion and said that, "very well, you know the problem, you know the position, and I leave it to your equity, justice and good conscience" and I feel a confidence that the Bill would have been passed, at least so far as the present Bill is concerned, that is, sending it to a Select Committee is concerned; but on account of this other alliance, this axis business, I find I will have to take a little more time of the House in explaining the position to the House so that, in spite of

[Dr. G. V. Deshmukh.]

this alliance or mis-alliance or unholy alliance, the House would be able to come to an independent and right conclusion—which as I know I consider to be in favour of my Bill. Let me, therefore, say this that it is not likely that both this House as well as the country outside will object to the principle of the Bill. Of course, I am not talking about those obstinate Hindus who will merely say, "We will have nothing to do with it" and, who believe in the government of this world by some mysterious power and not by the Government of India.

I suppose Honourable Members have read the opinion from the Premier Hindu Sanatanist Sabha somewhere or the other. I can understand their position when they say: We do not acknowledge anybody, although I see that they are acknowledging the present Government inasmuch as they pay the taxes and they certainly will have to obey the police even if they do not acknowledge the Government. But, after all is said and done, that lot is a very small lot indeed. Even amongst the opinions which we have received I was glad to see that one of them has said that they do not take such a die-hard no-change attitude. They are willing that this sacrament stunt should, if not abolished, at any rate be diminished. I can say from my knowledge which I have gained by hobnobbing and mixing with the public that a large section of the Hindu population is quite amenable to reason whatever the so-called orthodox people may say. Therefore, if things are put to them properly both in this House as well as outside this House, I have full confidence that the Bill will be accepted. Even if it is not accepted today. I won't break my heart on it. But I do maintain that this is a God-sent opportunity to educate my public with regard to this very difficult question of Hindu marriage. I am going to utilise that opportunity for what it is worth, without infringing the laws of the debate. I feel that I may not be able to do proper justice to the question which I have undertaken without explaining to the House what the marriage means and what the sacrament means because the position of this question has been taken on one of those gramophone records which keeps on repeating through all the opinions that we have received that Hindu marriage is a sacrament and not a contract. Both the educated and the uneducated people have said the same thing. What I want to explain to the House is the background of the Bill.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

**Dr. G. V. Deshmukh:** I was mentioning, Sir, that the fate of the Bill, so far as either this House or the public is concerned, depends on what view the public at large takes on marriage. The whole opposition and public opinion is based on this that in Hindu law marriage is a sacrament and not a contract. I have to clear the position so far as Hindu opinion is concerned with respect to marriage and sacrament. So far as I can see from the opposition opinions that have been received we are told that marriage

is a sacrament which means that it is an indissoluble bond which exists not only in this world but is transferred also to the other world and that this religious ceremony continues into the other world. What is the object of marriage? According to the opinion that is prevailing and the opinion which has been received, official and non-official and those who oppose the Bill, the idea is that marriage is meant for the procreation of a son. I want to point out to the House that this idea is entirely erroneous. The idea of marriage being a sacrament and indissoluble, that marriage is only wanted for a son is wrong. On the other hand, if it is put forward that marriage is for the purpose of having children, then I agree. Let me give the House some quotations from the Hindu scriptures which will prove to the House that this idea of sacrament is wrong. This is rather important because in the public opinion, which we have received with respect to the polygamy Bill also, it was repeatedly pointed out that polygamy cannot be prevented because that will interfere with marriages of more than one. Supposing the first marriage happens to be barren, the religious excuse for second marriage has always been advanced as the procreation of a son. What do the Hindu scriptures say with regard to the object of marriage? To begin with let me take *Manusmriti* which after all has been acknowledged to be the standard work, better than all the eighty *smritis* which we Hindus consider to be an authoritative book and a divine revelation. Manu says that women are meant for procreation of children :

प्रजनार्थम् महाभागाः पूजार्हा गृह दिप्तिया

श्रियः स्त्रीयश्च गेहेषु .....

Women are meant for the procreation of children. He does not say, son. For anybody to come forward and say that if he has issues, he will marry again because he must have a son seems to be an irreligious view altogether. Not only that, but the desire of women to have children has always been respected by the older *Shmritikaras*. Let me point out what the same scripture writer, Manu says. A Hindu widow having no children was allowed the opportunity of having children which is called *neyog* in Sanskrit. This is not a system of which one need be ashamed of; because at one time looked at from the anthropological point of view it cannot be said that this thing is particularly against Hindu society, or that it should not be discussed here. What was the provision even so far as Manu is concerned with respect to a widow :

या पत्यावा परीत्यक्त, विधवा वा स्वेच्छया । उत्पादयेत् पुनर्मुत्वा .....

That is to say that every woman has a right of having children; mind you he does not say sons. It has been acknowledged even by Manu. If she were a widow, she was given permission to have an issue. The idea underlying is that she will get a child. It is not that she will get a son or a daughter. After all is said and done, we have to go by what the scriptures say, because, after all, this has been turned into a religious question and since all the miseries of women in Hindu society have come on account of the spirit of the scriptures, on account of the wording of the scriptures, it is important to see what the actual words are so far as the scriptures are concerned. Here again the word used is "*santhanam*" and not "son". Further on the same writer says: So far as woman is concerned she is the field and so far as the man is concerned he is the seed and practically the origin of all animals is from a combination of both. The word used here is (*sarvadehinam*), that is, those who have a sort of body, without any distinction of sex. The point that I am making is that all this superfine idea that

[Dr. G. V. Deshmukh.]

marriage is meant only for procreation of a male issue is not supported by the scriptures. Again, so far as the duties of women are concerned, religiously what are those duties supposed to be? The duty of a woman is not only to give a male issue to the husband but production of children. It does not say a male issue. In the public opinion that we have received you will find that it is mentioned that "Supposing there is not a male issue, therefore, a man must be allowed to marry again according to Hindu shastras."

Therefore, it is in connection with that point that I want to bring to the notice of this House how the scriptures support one clause of the Bill. What is the woman at home for? It is for the purpose of having issues; it does not say that it is only for a son. Not only that but even Heaven is supposed to be in the hands of the woman in the house because she can produce children. Therefore, they say that not only one's own welfare but also the welfare of one's own ancestors remains in the hands of the woman.

Then, let me go back to a time, even before the *Smrutis*. We all know that before the *Smrutis* came into existence we had religious rules which were included in the *Sutras*; and even in the case of the *Sutras* and some of the *mantras* which are pronounced at the present time and without which no marriage can be sanctified or considered legal, let us see what these *mantras* say. Even there you will find that there is no ground for thinking that marriage is a sacrament only intended for male issue. Not only that. If you only look at it in the proper perspective you will find that marriage is looked upon in such a good light that it could not be looked on in a better fashion than by even modern writers.

Now, Sir, to give the non-Hindus an idea of the rituals of a Hindu marriage, let me tell you what actually a Hindu marriage consists of in the majority of cases. Of course it may be that some of the things may be dropped out and it may be that in different provinces there are modifications in the service. But if this House has to make up its mind with regard to this question specially concerning marriage and the status of women, it is very important to know exactly what the position is. Now, it is a religious duty on the part of every Hindu to get married. Unless he marries he has not fulfilled one of his primary duties and he has not discharged one of the debts which every Hindu is supposed to discharge. Every Hindu, when he is born, has three debts, debt to the ancestors, to the *rishis* and to the Gods. You can discharge the debt to the Gods by means of sacrifices; you can discharge the debt to the *rishis* by means of learning; but when it comes to the debt to your ancestors you can only discharge it by producing children.

"Prajaya (प्रजया) pitrivyah (पितृव्यः)", —that is, by getting children and not sons only.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): All this disquisition about Hindu law is certainly very interesting, but the Chair is afraid the Honourable Member is going far away from the real point at issue.

**Dr. G. V. Deshmukh:** No, Sir, I am not, because. . .

**The Honourable Sir Nripendra Sircar:** Sir, will you allow me to make a statement to the House, more by way of an appeal to the Speaker and to his Leader rather than asking for a ruling from you? I am placed in

a very unusual situation because, when the debate will be continued in Simla in September, I shall cease to be a Member of this House, and I do beg of my Honourable friend to give me a chance of speaking today. It is now only a quarter to three and I shall be quite satisfied if I am allowed to rise at four o'clock. I am not suggesting that my friend has been talking incoherently or irrelevantly or anything of that kind, but he has spoken for an hour and a half before Lunch and till four o'clock he has got another hour and a quarter. So I appeal to his fairness to allow me to rise and speak at four o'clock.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Chair hopes the Honourable Member will finish by four o'clock, because it is in his own interest also not to confine the speech to himself only, but to allow other Members of the House to express their views on his Bill.

**Dr. G. V. Deshmukh:** Sir, personally I have no desire to carry on longer than I can help. But, at the same time, I must draw the attention of the House and also of the Leader of the House to the fact that it is a very large question which involves the giving of elementary rights to 150 million human beings. It is a question which extends to hundreds and thousands of miles from one end of India to the other; and on a very large and vital question like this to be requested to finish within a scheduled time is hardly fair to the Mover of this Bill. I have not brought forward this Bill as a matter of pleasure and I do not want to speak unnecessarily, but this is a question on which not only I myself but other progressive sections of the House and the public feel very keenly. Therefore, although I would be the last person not to grant the request of such a distinguished person as the Leader of the House and, as I said before, such a social reformer as he is, I certainly cannot promise that I shall stop at four o'clock and, thereby, give up my opportunity of doing whatever I can in the interest of 150 million human beings.

**The Honourable Sir Nripendra Sircar:** Sir, may I make a counter-suggestion? If my Honourable friend feels that he is unable to finish by four o'clock I have nothing to say. But in that case I may be allowed to start at four and finish at five and my Honourable friend can continue his speech the next day. I am not putting any difficulty in his way but am compelled to appeal to his sense of fairness. Of course, my Honourable friend, Mr. Kazmi, is shaking his head and Dr. Deshmukh has to carry that order out. I would like to avoid a ruling and come to an arrangement.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The suggestion made is a very reasonable one and if there is nothing in the rules against it, the Chair is inclined to accept it.

**Dr. G. V. Deshmukh:** If I finish off what I have to say,—and I frankly admit that I have a great deal to say on this subject,—I do not want to carry on any further. I think I owe it to myself as well as to the rights and privileges of every Member in this House; but apart from that, I owe a duty to the cause that I have espoused that I should not allow my rights to be trampled upon . . . .

**The Honourable Sir Nripendra Sircar:** I am not objecting to your speaking as long as you like. You can give me an hour today and you can carry on the next day. This is an appeal and not insistence on any right.

**Dr. G. V. Deshmukh:** I really do not see how that can be done. I do not know whether the rules allow it.

**The Honourable Sir Nripendra Sircar:** The rules do not disallow it: it can be done if he does not object.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Chair has already said that the rules do not positively stand in the way. The suggestion is so very reasonable that the Chair will accept it.

**Dr. G. V. Deshmukh:** Sir, the continuity of my thought is likely to be broken. How can I pick up the thread of thoughts again. Therefore, I do not promise, but if I finish I shall be only too glad to hear the Leader of the House. Otherwise, I cannot . . . . .

**The Honourable Sir Nripendra Sircar:** I am not asking my friend to promise: I am asking the Honourable Member to agree that I may be allowed to talk for an hour today and his thoughts will not be disturbed if he wishes to rise again at five o'clock today or if he wishes to resume in September. I have repeatedly said I seek an arrangement and not a ruling.

**Mr. M. S. Aney:** I am afraid, as a matter of fact, that much time is being wasted over this. The request is whether the Honourable Member should be allowed to have his say for an hour or so today: it is a perfectly reasonable request and in fairness no Member of the House should deny him that courtesy.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** The Chair has already ruled that unless anything to the contrary expressly can be shown, the Chair accepts the suggestion of the Leader of the House and he will get up at four o'clock and the Honourable the Mover of the Bill will be at liberty to continue his speech after that.

**Dr. G. V. Deshmukh:** You may have ruled, Sir, but I do not accept this.

**The Honourable Sir Nripendra Sircar:** You have got to accept the ruling. He has ruled that I get up at four o'clock.

**Dr. G. V. Deshmukh:** But I have a right to go on on a Bill as long as I like.

**The Honourable Sir Nripendra Sircar:** No, not after the ruling.

**Mr. M. S. Aney:** At four o'clock you have to make room for him, and, after that, you can make your speech again.



**Mr. Deputy President** (Mr. Akhil Chandra Datta): The position is so very clear that the Chair really wonders that any Honourable Member should take exception to it. Nobody stands in the way of the Honourable Member speaking for hours or days together if he chooses to do so and the Chair allows it. But the Chair cannot conceive what objection there can be to the course suggested by the Leader of the House.

**Dr. G. V. Deshmukh:** Is there any precedent for this kind of thing?

**Mr. Deputy President** (Mr. Akhil Chandra Datta): If the Honourable Member insists, then precedent or no precedent the Chair accepts that suggestion: that is the ruling of the Chair.

**Dr. G. V. Deshmukh:** Can there be rulings which trample on individual rights of Members unless there are some rules to that effect?

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member has no right to challenge a ruling, right or wrong.

**Dr. G. V. Deshmukh:** Whatever your ruling may be, Sir, if I am forced to accept that, I do not say that I will not accept that; but I certainly have a right to protest . . . . .

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member has a right to protest until the ruling is given; after the ruling has been given, he has no right to go on repeating his protest.

**Dr. G. V. Deshmukh:** I ask you to hear me before giving a ruling . . .

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Chair has heard and has given the ruling.

**Dr. G. V. Deshmukh:** It is a very unfair ruling all the same . . . .

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Order, order; will the Honourable Member withdraw that remark?

**Dr. G. V. Deshmukh:** If you want me, I will. It seems to me that I have to do everything that is ordered, whether there is justice in it or not. I will withdraw. But I think I have to keep up, not only my own rights, but that of every individual Member of the House . . . . .

**Mr. Deputy President** (Mr. Akhil Chandra Datta): There will be no further discussion on this question. The Honourable Member may proceed with his speech.

**Mr. Suryya Kumar Som** (Dacca Division: Non-Muhammadan Rural): On a point of information, Sir. Is the request made by the Leader of the House as Leader of the House, or as Sir Nripendra Sircar? He represents the Government, and whether he is here or anywhere else . . . .

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Is that a point of order?

**Mr. Suryya Kumar Som:** A point of information, Sir. He may go, but the Treasury Benches will go on for ever. If he wants to speak for himself, that is another matter. But as representing the Government I think it is not a proper request that the man who will fill up his post will not be competent to give the opinion of the Government.

**Mr. K. Santhanam** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): On a point of order, Sir. I want to draw your attention to rule No. 64 which says:

"After the Member who moves has spoken, other Members may speak to the motion in such order as the President may call upon."

It is a definite rule, that other Members can speak only after the Member who moves has spoken. It is in positive terms, and I would request you to reconsider your decision.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Chair has given its ruling.

**Mr. Husenbhai Abdulabhai Laljee** (Bombay Central Division: Muhammadan Rural): May I make a request, Sir, that I may be allowed fifteen minutes after Sir Nripendra Sircar has spoken? It is the same request.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Chair will consider it when the time comes. Now that the debate has taken this turn, the Chair hopes the Honourable Member will be absolutely relevant.

**Dr. G. V. Deshmukh:** I am not in the habit of being irrelevant. I think these injunctions are absolutely unnecessary to me. If others cannot see the relevancy in my arguments, I cannot help it.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member must not make such remarks and assertions.

**Dr. G. V. Deshmukh:** I did not mean about you, Sir.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): In that case, the Chair does not take any exception.

**Dr. G. V. Deshmukh:** I was talking about the House.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Will the Honourable Member now proceed with his speech?

**Dr. G. V. Deshmukh:** I will proceed whenever you want me to and stop whenever you want me to.

**Mr. K. Santhanam:** We are being dictated to, and I object to our being dictated to. The arrangement of the House is not meant for the convenience of any one Member, whoever he may be.

**Dr. G. V. Deshmukh:** As I was saying, this is a vast question . . . . .

**Mr. Ram Narayan Singh** (Chota Nagpur Division: Non-Muhammadan): On a point of order, Sir, I want to know whether the Chair can give any ruling against the Standing Orders.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Chair is extremely sorry. The matter has been discussed at length. After that, it is not quite proper for the Honourable Member to raise this question again.

**Dr. G. V. Deshmukh:** On a point of information, Sir: supposing you are not in the Chair at the time and the President comes in, can I put the point to him for his decision?

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Whatever ruling has been given cannot be upset. It is not within the power of the President to upset it.

**Dr. G. V. Deshmukh:** Very good, Sir. I am sorry. The only point is that I hope that the House will take me at my word when I say that this is in the scriptures. It seems to me that that is the only way how it can be done, and I think the House has sufficient confidence in me to take me at my word. But I really regret very much—the members of my community outside and also those who sent me here, my voters—that I did not quote the actual scriptures, so that the position I am taking would carry better weight. As a piece of information I can tell you that I was elected on this promise to my constituency, that I will work for this reform; and, at the time, I was standing for election, no less a person than the Shankaracharya came to Bombay to oppose my election and to say that he must get a promise from me that nothing against the Hindu religion would ever be moved or suggested by me. I would request Honourable Members not to be impatient. Let them not think that the only thing one can speak of on a Bill is to say that such and such are the provisions of the Bill and whether the opinions received on it are for or against. If that were the case, I think we could easily finish the whole work of the Assembly in one week, and we need not spend the ratepayer's money by staying here for months on end.

Now, Sir, this is the information I want to give the House. Although  
 3 P.M. Shankaracharya was opposing me, I was distinctly given to understand by my voters that if ever I was elected to the Assembly, then I should put forward progressive measures, and it was on one of those promises that I not only secured a large number of votes, but as my friend, Sir Cowasji Jehangir, will bear me out, I topped the poll. Therefore, Sir, if I merely tell the House the English translations without quoting the scriptures themselves, an impression is likely to be created in the public mind that I dealt with the whole question of such an important nature on, what may be called, western lines, and I did not do justice to it in the way I should have done.

**An Honourable Member:** Read those scriptures.

**Dr. G. V. Deshmukh:** There is no time for me to read them. What is the good of reading them here; they say I can continue in the next Session and so forth, but I feel that I must read them while I am advancing arguments in support of my Bill.

Well, Sir, let me come back to the religious service which, nobody can deny, has been in existence much earlier than even the *Smrithis* or *Shastras*. And what does this religious service say? When the service of *Pani Grahana* takes place, the man says:

“गृह्णामि ते सोमगत्वाय हस्तम्”

[Dr. G. V. Deshmukh.]

"I am holding your hand for happiness." When the bridegroom afterwards praises the *Agni* and the other different Gods, for what? Not for merely creating a son,—no,—but for *Garyapatyaya* (गार्हपत्यायत्वादुदेवाः) which the Gods have given me,—so that we should conduct a house, so that there should be a mistress in the house. What do the so-called *Mantras* at the time of the marriage mean? The Hindu marriage service is so beautiful that you can hardly find a parallel to it anywhere in the whole world. It says: "You are that, that am I, I am that, that you are, you are the *Rook* ( रुक् ), I am the *som* ( साम ) you are the *Prathvi*, I am the heavens; let us come together and have children; let us mix up our creative elements and let us live a hundred years—*Prajam Prayam Vahai*". (प्रजाम प्रजयावहै जीवेम शतम्: शतम्)

Now, Sir, I want my friends to observe this particularly. When they say that marriage is only a sacrament and there is no suggestion of any contract in it, I say they are talking nonsense, the marriage service itself says "let us be two together". If it is such a religious service, then where does the question of "we come together" come in at all? And so "*Sumausaya mana*" (सुमनस्य मनौ) "let us live happily for a hundred years". This is what the service says. It does not say anything about the fact that you must have a son. Further on, when the bride and the bridegroom are made to tread on the stone or the *Sapthapathi* is there any mention of any son in that? Not a bit of it. There are so many steps in this service, the first is for juice, the second is for prosperity, the third is for happiness and so on, and when they reach the seventh step, they say "and now we have become friends" (सखा सप्त पदामवः): Further on, when the bridegroom takes the bride to show her the polar star, even then they say "be thou firm". Further, he takes her to show the polar star *Arundhati*. This is the service . . . . .

**Mr. M. S. Aney:** "Be thou firm as a polar star" goes against your Bill.

**Dr. G. V. Deshmukh:** It does not, because the woman is soon dislodged, because she does not remain as the polar star. Even otherwise, when she is daily offering *Bali*, as you yourself know, Sir, what does she say? "*Prajam me dadytu*" (प्रजाम मे दधतु) I could have given more quotations from the original text on marriage itself. You have not got either children or heaven, and yet you get public opinion, Hindu opinion, to support that marriage is a sacrament and not a contract and, therefore, we must be allowed to marry as often we like or that if once a sacrament is formed, it cannot be broken. Now, what is a sacrament? We are all talking of sacrament without understanding what it means. Sacrament is not a word borrowed from any of our vernaculars or even from Sanskrit. It has come to us either from French, Latin or Greek . . . . .

**An Honourable Member:** It has come from Latin.

**Dr. G. V. Deshmukh:** Thank you; I accept it. My point is, it is not a Sanskrit or an Indian word. As to *Samskar*, I know what it means, but I don't understand what a sacrament means. It seems to me that all those gentlemen who have expressed these opinions do not know what they are talking about. What does sacrament mean? Sir, I have taken some pains over this, and if I am given sufficient time, I shall be able to explain to the House in greater detail what sacrament means. The word sacrament is derived from *seissor*. It has a different meaning, it has a bad meaning also. It has come from the Greek word which means

mystery. That is really the origin of this word, and according to the meaning of the Oxford Dictionary, it means "religious ceremony or act, regarded as the outward or visible compression of inward grace". What I want to know is, how many of my Hindu friends understand what is meant by the word sacrament. It is not in their religion. I can understand their grasping the meaning of the word *Samskar*, but when they talk of sacrament, I am afraid they really don't understand its meaning, because that word is taken from a language which is foreign to this country, and it can be used to express 101 connotations. Now, Sir, coming down from the sublime to the ridiculous, even ordinary words in a language like the French language, words like weekend, flirt, etc., are taken bodily from the English language. You cannot exactly express the different shades or meanings of the whole word when it is borrowed from one language and adopted into another. But if it is going to be used for legal purposes, then you can understand what a horrible mess this kind of joke would make. It is as good a joke as what happened the other day in this House. Somebody said, henpecked, and my friend, Mr. Sri Prakasa said, cockpecked. Both may mean the same thing, but connotations are entirely different. There is a story of an English hostess and a French guest. According to custom, the hostess asked at a party, how the gentleman was doing. Like a good hostess she asked the French gentleman, "Well, Monsieur, how are you enjoying yourself?" This Frenchman thought that being a lady she asked how he was henjoying himself, and he replied, "I was cockjoying herself immensely" because he thought, he must use the masculine word cock, in contradistinction to hen. You may realise what must have happened in the earlier days.

I very much regret to say that our pandits who were paid to interpret the Hindu law to the English judges—I have every respect for them, whether it is Colebrooke, or Wilson or any of those great men—when they interpreted the Hindu Sastras to them, they thought that they were speaking to them in their own language, which evidently although it might mean something was not interpreted correctly by the English judges, and that is why we find this curious interpretation of our Hindu law. If it had been left to the Indian judges, it might have been adapted to mean exactly, the law might have been followed in the interests of the society and with the meaning that should be properly given to those texts. And with those so-called synonyms, you cannot blame them if they interpreted these religious words with wretched connotations in their own way and interpreted them more in the western light than in the eastern light. But since then a lot of research work has been done, both by western scholars as well as by eastern scholars, on the old texts which throws a flood of light both on Hindu law as well as Hindu society of those days. In the light of that, now, many of the ideas that we had with respect to our Hindu society, the construction, the law, the morals,—those ideas have to be considerably modified and changed. To give you as the latest instance, so late as 1909 Kautilya's *Arthashastra* was published. Evidently the date of this book was 300 B. C., and all the western scholars and even the best of Hindu scholars put the date of Manu Smritis somewhere between 200 B. C. and 200 A. D. What do we find from these? That divorce was allowed. Not only that, but the woman enjoyed very much better and more liberty than the impression one is likely to receive from the so-called, alleged ancient text books of Manu and others.

**Babu Baijnath Bajoria:** Will you give us some facts?

**Dr. G. V. Deshmukh:** You had better request the President to give me time and I will give you. That being the sentiment in which marriage had been held among the Hindus and the erroneous ideas prevailing about marriage—that marriage is meant not for something worldly, but something other worldly, that marriage is only meant for sons and not other children—those being the ideas it is no wonder that both the public as well as those who had to interpret the law should be carried away by this public opinion; and, particularly, after this, the idea, the western idea,—I do not know, it may be an eastern idea too—of custom prevailing over law, and all that, came in. Naturally, we find the whole of our society in a mess. With respect to sacrament and *samskar* I have tried to explain what is *samskar* really. It means something which is made better. That is really the meaning. Before, we were supposed to have 84 *samskaras*, they dwindled down to 16 and now you know there are only two *samskars* so far as the Hindus are concerned. One is the *samskar* of Upanayana or *Moonja* ceremony . . . . .

**An Honourable Member:** Not always.

**Dr. G. V. Deshmukh:** I am glad to know that even that does not exist with respect to all the Hindus. I am talking of those who have a very high regard for religious sentiments and who think themselves very superior. Even in those castes, in those classes you have only two *samskars* left, one is the *Moonja* ceremony or Upanayana or initiation to pupilship, and the other one is marriage. Marriage, therefore, is not something so very mysterious that we cannot interpret it properly and that we should merely grovel before this so-called sacrament business and simply put our head in dust and say, "Oh, yes. It is sacrament. Therefore, do not analyse it, do not try to know what it is, but because it is a sacrament, therefore, in the name of that sacrament, let us go on to whatever practices it may lead to". May I point out to you, Sir, that it was this idea of sacrament that was responsible for *Sati*. Because husband and wife were supposed to be made one, therefore, when one has disappeared or banished or died the other one must not live. It was this superstitious ignorance, wretched idea of sacrament that was responsible for *Sati* business. I am glad that the so-called idea of sacrament was brought down a few pegs when *Sati* was abolished. It was this idea of sacrament under which widows, and child widows at that, were prevented from re-marrying. Now that we have the Widow's Re-marriage Act,—it may be said that it has not been utilised. In that case, it is an additional argument for my Bill, that if you pass this enabling Bill, it will not be utilised to any particular extent and so it will not uproot the society altogether. It is on this idea of sacrament that a woman, whether she is married to an impotent person or is married to somebody who changes his religion or is tacked on to somebody who has about 100 wives, or what is more, even if he keeps a concubine, provided he does not keep her in his house—that she cannot separate herself from that man on account of this idea of sacrament. We did well to get rid of this idea of sacrament in the case of *Sati*. We did well to get rid of this idea of sacrament in the case of re-marriage. I do think that we shall be doing well to kick this idea of sacrament into its proper position when we allow a Hindu woman to marry another husband if she was unhappily married in her first marriage.

Now, Sir, another idea is that so far as this Vedic ceremony is concerned, that was the only system and that there is no other system. It is true that these *mantras* are meant only for the marriage of virgins. I admit that, according to "*panigrahana*" *mantra*, but to say that once a woman is married she cannot be married by any other *samskar* is again a travesty of Hindu law. We have got 16 *samskar*s out of which 14 have gone. We still have two of them. *Samskar*s are evidently something which we can bring forward or abolish but in any case that is beside the point. The point I would urge is that the "*panigrahana*" *mantras*, although used for the marriage of virgins, were not inapplicable to those who were to be married again. There are other *samskar*s and we have authorities from the different *rishis*. We have for instance, what is called the "*punarboo*". Those who say that the Hindu woman once married cannot marry another husband again are either wilfully blinding themselves or are not taking the proper pains to know what is contained in their own religion. What does "*punarboo*" mean? The woman who marries another man when her first husband is alive or dead would be "*punarboo*". This is not my definition but it is the definition which has been given by no less a person than the law giver, Vashista, himself. Then, what does Manu himself say? One of the verses of Manu has been dropped out purposely by all Pandits. As has been pointed out, many of the verses of Manu have been dropped out when it suited some of the Pandits who wanted to interpret the Shastras in their own way, because they were paid or bribed. It is well-known that many of the Pandits were bribed by certain interested parties in Bengal at the beginning and they interpreted the Shastras to the English judges in a particular way. All shame to those Pandits for doing this.

**An Honourable Member:** Only in Bengal?

**Dr. G. V. Deshmukh:** I am not inclined to blame the Pandits of Bengal. I do not know what would have happened if the same thing had taken place in Bombay. I cannot stand guarantee. After all is said and done, I do not want to look at Bengal in any other light than in a glorious light. We owe the widow remarriage reform to Ishwar Chandra Vidyasagar. Some of the Bills that were passed in the life of this Assembly, including the Hindu Women's Right to Property Bill, we owe to the distinguished gentlemen who come from Bengal. Now, this "*poonarboo*" has been referred to by no less a person than Bodhayana. It was Bodhayana who robbed the Hindu women of their rights to property. This is the Sanskrit text:

निरीद्रीयाः भ्रतपव अदायादाः ही स्त्रीयाः ।

Women have no desires or senses and, therefore, they are incapable of holding any property, and it was on that pretext that Hindu women have been robbed of their rights for the last so many hundreds of years. There are some people who are prepared to quote Bodhayana when it suits them but who are not prepared to follow Bodhayana when it does not suit them. What does Bodhayana himself say:

यदि वा बाल विधवा, बाला त्यक्ताथवा कञ्चित् ।

तदा मुयः स्तु संकार्या, गृहीता येन केनचित् ॥

If she is a child widow or if she has been forcibly taken away or if she has been abandoned by her husband then she should be married

[Dr. G. V. Deshmukh.]

by a *samskar*. Supposing it is held that this is only in the case where the betrothal has taken place, what does Bodhayana himself say:

निःश्रयाँ हुतेवापि ..... यस्य ..... ।

पौनर्भवेन विधिना पुनः संस्कारम् अर्हती ॥

Although she has been married according to the religious scriptures, even then she deserves a *samskar*. Therefore, to say that women once married cannot be married again is a travesty of religion and it is only ignorance and superstition and marital selfishness cloaking under the garb of religion and the sooner we get rid of this the better. It is half past three now. May I in return make a request. I do not know how long Sir Nripendra Sircar would like to speak. Would you like me to stop at four? I really do not want to carry on this discussion to Simla.

**An Honourable Member:** You have got the right of reply.

**Dr. G. V. Deshmukh:** I am not bothering about the right of reply. In any case I do not think this question is coming to vote today because so many want to speak.

**The Honourable Sir Nripendra Sircar:** I prefer to stick to the ruling and not make any other change, not knowing how long Dr. Deshmukh will take.

**Dr. G. V. Deshmukh:** Very good. I will go on till four o'clock.

**Mr. Deputy President (Mr. Akhil Chandra Datta):** His suggestion is that he may be allowed to finish in the limited sense, so that the Leader of the House may have a chance to speak.

**Dr. G. V. Deshmukh:** That is not my suggestion. I myself would like to hear what the Leader of the House has to say. I am not particularly anxious to speak unnecessarily. Supposing the rules allow me to carry on, I shall carry on and have my full say. If it is held that I must stop at four, then I will make a request to the Leader of the House that I may be allowed to finish my speech in about ten minutes and I have no desire to carry on afterwards.

**The Honourable Sir Nripendra Sircar:** As regards your request, it ought to be treated in the same way as you did mine. Let us stick to the ruling.

**Dr. G. V. Deshmukh:** That suits me better.

**The Honourable Sir Nripendra Sircar:** That will suit me best.

**Dr. G. V. Deshmukh:** Now, those being the ideas, I hope that the House has heard sufficiently of them to disillusion themselves and to get rid of the wrong ideas so far as marriage as a sacrament is concerned. Necessarily, Sir, I come down what you say, the "divorce" which is the subject—or, if you like, the object—of my Bill.

**An Honourable Member:** You are beating about the bush.

**Another Honourable Member:** You are lost in a bush.

**Dr. G. V. Deshmukh:** Sir, mine is a good wine, it needs no bush. Now, when Honourable Members say that they do not find the word "divorce" in the old Vedas, I agree with them. But do you expect to



find the name of a motor car or the name of an aeroplane in the oldest scriptures? Therefore, what I say is this—if you get anything else, it becomes the same old sacrament, *samskar*. So far as the modern name is concerned—I do not know whether it exists on the Calcutta side; so far as the Bombay side is concerned, there is a name called *ghatasfot* (घटस्फोट) which is equivalent to divorce. If anybody takes his stand on this that *ghatasfot* means divorce but since it does not exist in the older *shastras*, therefore, there was no divorce in the old Hindu religion, then I say that here again this is a kind of reasoning which cannot appeal to an honest man, but on the other hand we have certain words which do mean divorce if looked at properly, and one of the words which means either separation or complete divorce is *Tyakta* ( त्यक्ता )—to be abandoned. That is a *sanskrit* word. Now, I have looked into the older books on Hindu law. I have had to take pains over them.

**An Honourable Member:** Yes, operative surgery.

**Dr. G. V. Deshmukh:** I may humbly suggest that I have spared no pains to look into all documents on this subject, from the eastern as well as the western point of view. Now, there is a word called "*Tyakta*" which means "abandoned". Of course, so far as the husband is concerned, he can abandon his wife; there is not the least doubt. "*Tyaktya*", if you take it in the technical sense, it certainly means "separation". Well, Sir, there was so much liberty given to the male that even Manu says that if the wife is a vicious and unpleasant talker then she should be abandoned. So far as the wife was concerned, the general rule today is that a wife cannot possibly go away from her husband. Now, I think, nobody is going to contest that so far as the rights of the husband are concerned, no husband could abandon his wife. But so far the wife is concerned, I do maintain that you will find, if you look into the older *shastras*, that she did have this right. Thus, if her husband went away, the expression in Sanskrit is प्रोषित, one who has gone away on travel or voyage. Of course now-a-days a husband may go abroad indefinitely and compel his wife to sit down, starve herself or commit suicide. It is said that this is a most desirable thing, the best thing for a Hindu woman to do,—but I say, not according to our older *smritikars*:

नष्टः प्रव्रजितो, क्लिब, पतितो.....

लोकान्तर गतोपि वा, परित्याज्यः पतिः स्त्रीया

If a husband went far away and disappeared, then the wife had a right to abandon him. Not only that, but—

मृते भर्तरी जीवे वा, विन्दैत अपरं पतिम्

If he was of a low type of character, drunken, afflicted with venereal disease, was a lunatic, was immoral, then the wife had every right to abandon him. But you will say that, "very well, this is merely 'to be abandoned' and she makes it nothing more. This kind of interpretation was not given on Manu's sentence on which the whole of these authorities is based", but I may merely tell you the different grades in which divorce existed in our *smriti* literature: *firstly*, *moksha*, i.e., liberation one from the other. This certainly existed among the married people. Thus:

परस्पर द्वेषात् मोक्षः।

[Dr. G. V. Deshmukh.]

If, as between the pair one hates the other, then there had to be a dissolution of marriage. There again you may say, "very well, it only meant that they were to be separated from each other but it did not necessarily mean that they were to be allowed to marry again". Then, विन्देत अपरं पतिम्. "Under certain conditions, they can marry a second husband".

**An Honourable Member:** But you have not provided for that in your Bill?

**Dr. G. V. Deshmukh:** I am merely pointing out that this idea of "one wife", "one husband" and that there never was any right for a Hindu woman to marry a second time because the first marriage of sacrament is existing, for all time, is all nonsense: what I want to urge is that that is all wrong. Not only a Hindu woman used to be fully allowed to marry after the death of her husband, but, in certain circumstances, in the life-time of her husband also,—that is the point I want to make. Then.

मृते भर्तरी जीवे वा विन्देत अपरं पतिम् ।

"Under certain conditions, whether the husband was alive or dead, she can marry another husband". Again, you may say that this was only for the lower castes; so far as the Brahmin castes are concerned, "no, this was not allowed". Now, here is something more (this is for a Brahmin woman):

अष्टौ वर्षाणी उदीक्षेत ब्राह्मणी प्रोषीत पतिम् ।

अप्रस्ता च चत्वारि ततोऽन्य समाश्रयेत् ॥

"If her husband went away, then, she had to wait for eight years."

And who says, Sir, that the Hindu law of divorce had no sense of either humanity or practical sense? If she had no children, then she had to wait only for four years and if she had a child, then she was asked to wait for eight years. Now, this is quite reasonable and it will be accepted even by our modern law. After that period, she should marry. (Interruption by Mr. M. S. Aney.) I am glad that my Honourable friend, Mr. Aney, who is निखिलगुण्यः above all the qualities and who has reached the supreme idea स्थितप्रज्ञ, स्थितधी has interrupted me. So far as this Bill is concerned, whether it passes or it fails, it is nothing to him because he is beyond all the three qualities. I will, therefore, request him to keep himself as pure and as unaffected as he is now by all these passions न मुह्यति, न कौश्लि I do not want his poise to be disturbed. He is all that ideal which Sri Krishna taught Arjun for the perfect development of a human being. It is not as a joke that I am saying all this but that is my regard to my friend and my elder brother, Mr. Aney. Therefore, whatever he says, I am willing to accept but I know how healthy, clean and very much above the worldly considerations his mind is. Therefore, if he supports this Bill, it will be a great help; but if by any chance he is inclined to oppose it, then it will be again on account of the Members of his Party "संस्कार दोष". Now, Sir, I am glad he has asked this question. Are my Hindu friends going to make a point of this? Then, what do your law-givers mean by this? Are they recommending debauchery or unchastity? Can you ever imagine any Hindu law-giver recommending unchastity? It may be the highest ideal maintained by abandoned women but it is not the ideal that is

put forward before the Hindu society. The ideal that every law-giver has put forward is the ideal of chastity for every woman. Who in his senses can ever imagine that when they said "Let a woman associate herself with any other man and create children", it was meant that they were recommending unchastity? It can only be interpreted as a moral injunction and a moral injunction means that she was allowed to marry and have children. But let me point out something else which has been accepted by this very Government on which the reform of 1856 was based. So far as the *Kal Yuga* (the present age) is concerned, कलौ पराशर स्मृति is to be the rule of life. If that is to be the rule of life, then irrespective of what Manu or anybody else says, you must observe and you must follow the scripture and be true to scriptural sayings.

नष्टे मृते प्रव्रजिते छिन्ने च पतिते पतौ । पंचस्तु आपस्तु नारीणां पतिरन्यो विधीयते ॥

You will find this in the religious literature also and also in the other Puranas. When translated, it means that if a husband disappears or dies or he takes renunciation or is impotent or changes religion or is fallen, then the women can take another husband. I need not go into all the details. You all know how the thing was explained by all the hostile Pandits. They said it applied to *Neog* (नियोग). Shame to them. Then they said that it was to apply in the case of only those whose betrothal had taken place and the consummation of marriage had not yet taken place. Again, it seems to me to be without any meaning. I am glad that the Government of the day was again convinced and kept a healthy mind and did not give much credit or credence to this kind of explanation and accepted one provision of this religious law which is in existence for the last 80 years. Now, 80 years is a sufficiently long time for any institution in the country or even for a Government if it comes to that to give the appearance of gradual progress to any reform that may be suggested. This happened in 1856 and now we are in the year of grace 1939, which makes it over 80 years anyway. If a progress of 80 years is not considered to be gradual, I do not know what is considered to be a gradual progress. Those who are very keen about saying that social reform must be very gradual and we, the Congressmen, are described as heretics because we want to proceed at a rapid pace and we want to revolutionise the country, must realise that it is after 80 years that I have come before this House with this Bill which seeks to put into operation one of the other conditions that were then agreed to. It will indeed be a very sad commentary in case the other provisions of the *Shloka* were rejected.

Now, what are these provisions? In the first place, disappearance, which is the same as desertion according to my Bill. Then, there is the renunciation. I would not have any objection to accepting this but it is not a practical proposition and so I have not taken notice of it. Then, there is the provision of impotence, which is to be found in my Bill. Then, one who falls. You know what it means in Hindu religion. Perhaps you know it better than anybody else that anybody who commits one of these महापातक (great sins), one of which is drinking, and the Congress is bringing in prohibition to get rid of it. I hope the Hindu community will be still better off if prohibition comes into force because drinking is one of the conditions mentioned. I do not want to go into further details. All that I have done so far as my Bill is concerned is to bring it within the framework of what really for all practical purposes was already accepted.

[Dr. G. V. Deshmukh.]

by the Government. I have not gone beyond these four provisions. So far as I am concerned, I have already told you that it was with great reluctance that I brought the scope of the Bill to this minimum skeleton so that at least it would then be something that has already been accepted by the Government, because after all my provisions are the same according to the older *smrithikaras*.

**Babu Baijnath Bajoria:** Which Government accepted those proposals?

**Dr. G. V. Deshmukh:** In 1856. This means that under these five conditions another husband is permitted for a Hindu woman. These five conditions are that if the husband disappears or deserts, if he dies, if he accepts renunciation from the world, if he is impotent and if he changes religion. Then under those conditions a Hindu woman is at liberty to marry another husband. On what ground was this right of a Hindu woman to marry another husband taken away? It was on nothing else except this:

२ द्वितीयः इच साध्वीनाँ कचित् भर्ता उपदिश्यते ।

Manu never advised a married Hindu woman to have another husband. This is how it has been interpreted by those who insisted on marriage to be a sacrament or *samskar*. This was how English judges interpreted it. *Sathvi* means a good woman. It does not necessarily mean a wife, because 'wife' has a definite status. In Sanskrit, every word has a definite meaning " धर्मस्य शब्दमुलत्वात् ". This is from the Mimamsa shastra of Jaimini, that every word has a meaning. You say, *kanya*. ( कन्या ), you say "*dara*" ( दारा ), you say "*patni*" ( पत्नी ) and so on. "*Sathvi*" ( साध्वी ) is a general word. What Manu said was that so far as a good woman is concerned there should be nobody else except her husband to maintain. "*Bhartha*" really means one who nourishes. Some commentators of Hindu law have made a mess of the whole thing and they have freely drawn upon *smrithis*, superstitions, customs and usages. English Judges have been following these commentators. The Hindu law has been evolving for the past over 30 to 50 centuries and I have got to finish the whole thing in five minutes. What do we find in these commentaries? One gentleman interprets it and says:

एवं च सति पुनर्मुलं अपि प्रतिशिद्धं ।

Therefore, Manu also prohibits '*punarbhutham*'. I am glad that my Honourable friend, Mr. Aney, is here. In Aitereya Brahmana it is said:

एकस्य बह्वो ज्याया भवन्ति न .....सह पतयः

(Interruption)

One man can have many wives, but a wife cannot have many husbands at the same time. That was the older injunction from the time of Aitereya Brahmana that no Hindu woman should have two husbands at the same time. I am glad that I did not quote this text and I made my Honourable friend, Mr. Aney, repeat, this text, because coming from him everybody will believe that it could not be misquoted. What does that mean? "*Sahapathya*": सह पतयः no woman can have two husbands together at one and the same time. Manu only brought forward that point. I find that in all legal text books

mention is made that Manu prohibits second marriage and, therefore, no second marriage can take place for a woman. I am not a lawyer. I am an humble research scholar and I should like to know what is the real position with regard to my own religion. The whole thing seems to be nothing but ridiculous that a word should be interpreted in different ways by mere play on it. Therefore, in the Hindu religion there is absolutely no sanction that a woman cannot have more than one husband, whether that husband is alive or dead. There is absolutely no sanction for this position: that a woman under certain conditions such as that if a husband is impotent, if he goes away, if he is a criminal and if he is affected by venereal diseases is not at liberty to marry somebody else. Nearly all the law givers from Manu to Kautilya, Vasishta, Vishnu, Narada, Parasara and a host of them included in their religious texts the conditions which I have put forward in my Bill, namely, when there is desertion, when there is impotency, a woman can remarry. Indeed some of them go to the extent of saying that when there is bodily defect in a husband he is not entitled to marry at all.

The time you have stipulated for my speech is now nearing its end. I am not over-anxious to speak, but, certainly, if I get the time, I should certainly like to explain the whole position from the point of view of a Hindu trying his best to know what is best and purest in the Hindu religion, certainly from the point of view of one who is struggling hard to see whether he could improve his own society for whatsoever little extent he could possibly do, whether he could allow a little light to be thrown where it is absolute darkness. If I get the time, for after all every Member has his right in the House to have his full say on any subject according to the Rules, then I will explain the whole position by means of suitable quotations in a more detailed manner, not to show off my own knowledge, but simply to improve conditions of my sisters and mothers to whom I owe a duty. According to your Ruling, Sir, I stop now because it is exactly four o'clock, but I stop under protest.

**Mr. Sami Vencatachelam Chetty** (Madras: Indian Commerce): Sir, on a point of order, may I request that the question be stated before 4 P.M. any other gentleman is allowed to speak?

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The motion has been moved.

**An Honourable Member:** It has to be put to the House.

**Mr. Sami Vencatachelam Chetty:** Sir, I do not intend to question the ruling you have given, but I want to make an humble submission. I quite see the reasonableness of giving the Law Member the hearing which he desires.

**An Honourable Member:** Why?

**Mr. Sami Vencatachelam Chetty:** It is only a matter of courtesy. But if it is going to be taken as a ruling, I respectfully request you to abrogate that ruling and allow the Leader of the House to intervene in the debate as a matter of personal courtesy, because the rule is definitely against allowing another gentleman to speak. No question was put to you on which you could give that ruling, because nobody asked as a matter of

[Mr. Sami Venkatachalam Chetty.]

right that he should be heard. It only originated as a request from the Leader of the House and it was because Dr. Deshmukh did not agree to that request that you made that observation which you call ruling. I, therefore, beg of you, in order that the normal procedure of the House may be observed and in order not to create a precedent, that the Leader of the House may be given a chance to speak and Dr. Deshmukh may be given a chance to resume his speech later on.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): In the first place, the Chair has made it abundantly clear that Dr. Deshmukh will be allowed to continue if he chooses to do so. In the second place, in view of the opinions expressed, the Chair is prepared to concede to this extent that this will not be treated as a precedent. It is a special case.

**Dr. G. V. Deshmukh**: Sir, I am the person who is concerned in this and I do not know anything about this. What is your ruling? I want to maintain my right. It is not so much that I care to speak, but it involves the right of all Members.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Will Dr. Deshmukh tell the Chair more plainly what his point of order is?

**Dr. G. V. Deshmukh**: My point is this. In my humble opinion, as a layman I think it is not right that my right to speak should in any way be taken away in favour of any other Member of the House, if there is no rule to that effect. It is not a question of my right only, but of every Honourable Member of this House. And, therefore, I request you to change your ruling and allow me to go on.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): In view of what has happened the Chair is not prepared to change its ruling, but the Chair explained at length that it will not be a precedent. The Honourable Member can resume his speech later on.

**Mr. Husenbhai Abdullabhai Laljee**: Sir, on a point of order, I should like to know on what question the ruling has been given by the Chair.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): That has been made sufficiently clear.

**Mr. M. Ananthasayanam Ayyangar** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, the point is this. Dr. Deshmukh moved for reference to Select Committee, and the Chair has got to put it to the House before the Leader of the House can be allowed to speak.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Honourable Member is under a misconception. It was moved on a previous day earlier in the Session and was, as a matter of fact, put to the House.

**Maulana Zafar Ali Khan**: Sir, on a point of order, I want to know one thing. Dr. Deshmukh had a right to continue his speech without interruption until such time as he has finished.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): That point has been decided.

**Maulana Zafar Ali Khan:** I have not been able to understand it.

**Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, on a point of order, I think it is a very important point and it affects the rights of every Member of this House. According to the Rules and Standing Orders, on a motion that a Bill be taken into consideration there is no time limit fixed for the Mover. Of course, if the speaker is abusing his rights in an undesirable manner, the Chair can take steps against him. But I respectfully submit that it is not open to the Chair to say that he must finish his speech by some particular time. And all that you can do is to request him to finish his speech as soon as he can in order that you may give an opportunity to somebody else who wants to speak and who may not be here later on.

**The Honourable Sir Nripendra Sircar:** Sir, if my Honourable friend will pardon me, this question may be avoided, because I understand that Dr. Deshmukh is going to finish in ten minutes. If that is so, I shall myself ask that no ruling be given, a position which I have taken through-out.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division: Non-Muhammadan Rural): Sir, your ruling was given in the interest of convenience and in the interest of courtesy, and there is no question of insisting on any rules and I feel certain that Dr. Deshmukh would extend the same courtesy to the retiring Leader of the House as any one of us would like to do. It is in that spirit that Dr. Deshmukh may now continue, and I hope and trust that there will be no occasion for a ruling and that the Leader of the House will have ample opportunity, even by sitting longer, if necessary, and if the Chair permits, to make his speech and finish it. I think that is the best way to proceed in this case.

**The Honourable Sir Nripendra Sircar:** Sir, I accept that suggestion and I ask you to withdraw your ruling, because the occasion will not arise. I leave it to the sense of fair play of the Honourable the Mover.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Chair is quite prepared to accept that position, and the Chair wishes to say expressly that it never intended it to be a ruling or a precedent. The Chair expressly stated that in the interests of convenience this may be made a special case; that is all that was said.

**Mr. M. A. Jinnah:** Then that must be left to Dr. Deshmukh.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The Chair has already stated that it is a suggestion made by the Leader of the Opposition and the Chair accepts that position and that suggestion. If Dr. Deshmukh wishes to speak again now, the Chair will call him.

**Dr. G. V. Deshmukh:** I want to know first whether it is my right to speak and I do not want to be interrupted. I want to know from the Chair whether it is my right to speak. (*Cries of "Yes."*) If the Chair says that it is my right to speak, then I will consider. I do not like to encroach on anybody's rights, but I do not want anybody to encroach on my rights; and if I showed temper at the time of your ruling, it was only on account of my nature; therefore, unless I am told that it is my right to speak, I do not want to take up time. Let the Chair say so.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): Why should the Chair be asked to say the same thing over and over again? .

**Dr. G. V. Deshmukh:** I take it then the ruling has been withdrawn.

**Bhai Parma Nand** (West Punjab: Non-Muhammadan): I rise to a point of order. I want to know whether any private Bill can be moved on an official day and whether this Bill has been allowed specially as a favour to Dr. Deshmukh, and, if so, what is his right? Has he a right to move the Bill?

**Mr. Deputy President** (Mr. Akhil Chandra Datta): That is not a point of order.

**Dr. G. V. Deshmukh:** Mr. Deputy President, I am very thankful to the House for taking up the rights, not of mine, but of every individual Member of this House; because I take it that, so far as the House is concerned, one Member is as good as another. After that attitude has been approved by the House and you, Sir, having accepted it, I am always willing to show courtesy and accede to the request of one whom I may claim as my friend—to whatever request he makes; and, therefore, I will allow him to go on. I do not want to make a speech now, and I will allow him to go on and make his speech.

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

**The Honourable Sir Nripendra Sircar:** Sir, I regret very much if there was any misunderstanding, because I shall be the last person to impute any motives to Dr. Deshmukh. We have known each other very well, and Dr. Deshmukh was the first to acknowledge that, in respect of his previous Bill as well as in respect of this Bill, I have gone out of my way to give him all the assistance that I could. This Bill was introduced on an official day: it had no chance of coming up for a year but for my going out of my way to allow him to move the circulation motion in the last five minutes on an official day; so that I think I may claim, whatever other people may think, that over this legislation, as well as over the last legislation for which Dr. Deshmukh was responsible, I have, at every step, gone out of my way to help him, although I was subjected to severe criticism by people who did not see eye to eye with Dr. Deshmukh for helping him in this matter. Dr. Deshmukh has shown his gratefulness by trying to prevent me from speaking.

Now, as regards this Bill, the matter is one of great importance. The matter is one which deserves very sympathetic consideration. After listening to Dr. Deshmukh's speech, the only conclusion to which I could come is that it is a tragedy that a good cause has been spoiled by the championship of Dr. Deshmukh, having regard to the way in which he has drafted his Bill: he was good enough to say in a modest way that any Hindu who did not agree with him was not intelligent: and if the Government did not agree, the Government were not honest. But, at the end of my speech,—I will not take more than 45 minutes,—I hope every one will agree that, however great his sympathy may be for this cause, he would not be inclined to touch this Bill with a pair of tongs; and, with the best of intentions, my Honourable friend, Dr. Deshmukh, has done no service to the women, whose cause he has taken up. He was right in saying "My brothers are displeased with me; my sisters are displeased with me; the



orthodox people are displeased with me, and the other sections also are displeased with me." That is the amplest testimony to the skill with which the Bill has been drafted.

My Honourable friend realised, as every one must, that a Bill which unsettles the settled practice of centuries, whether you call them in your enlightenment superstitions or not—it does not matter,—to justify the Government in supporting that measure the onus is heavy on the Mover of the Bill and the protagonists of the cause to show that the majority of the community which is going to be affected by this measure wants it and there is a demand for it. My Honourable friend saw very well—as he could not help doing—the force of that contention; and, therefore, he took the trouble of issuing a kind of tabular statement giving a summary of the opinions which had been received, dividing them into three classes—for, against and neutral. With commendable prudence, my Honourable friend has not referred to this summary, which was handed over to everybody, because I hope to show in five minutes that this is wrong from beginning to end. If we had done it, I am sure, Dr. Deshmukh would have said that we had dishonestly done it. I do not make any such insinuation against Dr. Deshmukh. I am sure, he did not want to deceive anybody; but the House will have no difficulty in coming to the conclusion that he has completely deceived himself. Members have got this tabular statement and I do not propose to tire them by taking them province by province and opinion by opinion. If I take up two provinces and the opinions of the Governments, you will see how wrong he is. He has worked out percentages here—50 per cent. and 40 per cent. and 60 per cent.; and in those percentages he is wrong, not to the extent of 5 or 10 or 15 or 20 per cent. but wrong by more than half. If you will take, by way of illustration, only two provinces, Assam and Madras, you will see what the position is. I shall also give the Government opinions if time permits. These Madras opinions are to be found in paper No. 3, from pages 26 to 33. And, before I draw your attention to one or two sentences from each of the opinions which I shall have to refer to, I will, first of all, make one point clear. When is an opinion for and when is an opinion against a Bill? Those opinions which, while accepting the principle of the Bill suggest modifications, I take them to be in favour of the Bill, if the modifications are such as can be introduced in the Bill in the Select Committee. But opinions which, as a term of acceptance of the Bill, insist on conditions which cannot be put in the Bill by the Select Committee, those are really against the Bill. We must not mix up the two matters: one, the issue, is it right to give the right of divorce to women? That is one question. The second question is, is this Bill acceptable to the persons concerned? Now, the answer, according to some, to the first part is yes. They say that in justice, fairness, and what not, the right should be given to women, but unless certain conditions are introduced in the Bill, I am not going to accept it. That opinion is certainly in favour of the principle, but against the Bill if the proposed conditions are outside the scope of the Bill. Judged in that light, you will find that the summary is altogether wrong, and there is no doubt that the bulk of the opinions is preponderately against the Bill.

Then, again, Sir, to avoid repetition, may I ask Honourable Members, if they so desire, to look at the Bill once again. Many of the opinions, as Honourable Members will remember, point out that this is a one-clause Bill. In divorce law,—take for instance, the Indian Divorce Act runs into 49 or 50 sections, each section consisting of several sub-sections making various

[Sir Nripendra Sircar.]

provisions which are very necessary. Dr. Deshmukh's idea is to have a one-clause-Bill. There is no provision made for succession, no provision for maintenance, nothing for the custody of the children, no direction as to how the divorce is to be obtained, in what court, what is the procedure to be followed. He simply says—"I am putting forward this Bill; Oh, the Select Committee will do the rest". Why then favour us with a one-clause Bill? Why not be satisfied with only the preamble and the title and say "Whereas it is expedient and necessary to give a right to divorce to Hindu women under certain circumstances . . .", stop there, and then allow the Select Committee to do the rest. Now, Sir, I have mentioned some of the conditions which many of the opinions insist upon, namely, the custody of children, maintenance and so on.

Sir, I will concede, wherever there is any doubt, as to whether the matter is within or outside the scope of this Bill, my friend, Dr. Deshmukh, should have the benefit of that doubt. Let it be conceded, to save arguments at present, that rights of maintenance, custody of children and other things can be introduced in this Bill, but most of the opinions including those received from women say that they will not have a look at this Bill unless the right of divorce is made mutual, unless that right is given to both men and women, and I ask any Honourable Member of this House, whether he is a lawyer or a layman, to consider whether that matter is within the scope of this Bill. This is, Sir, a Bill to give a right of divorce to Hindu women under certain circumstances.

The preamble says:

"Whereas it is expedient to give a right to divorce to Hindu women under certain circumstances; It is hereby enacted as follows."

Now, look at the Statement of Objects and Reasons. It says:

"Cases are occurring frequently in which a married Hindu women's life is made unbearable under circumstances brought about by her husband. The Bill aims at removing some of these, recognising that a Hindu wife has a human personality."

It does not go on to say that "whereas cases are frequently occurring in India in which a married Hindu husband's life is made unbearable under circumstances brought about by his wife, the Bill aims at removing some of these by recognising that a Hindu husband has a human personality". (Laughter). I venture to submit, Sir, making all allowances, and, as I said, giving Dr. Deshmukh the benefit of doubt, wherever it can be reasonably argued both ways as to whether the matter is within or without the scope of the Bill, there cannot be the slightest doubt that the majority of the opinions received are against the Bill. As I said, Sir, although I have not too much time, I have got to take the House through at least two of the provinces which I took out at random, because when an Honourable Member says that he has devoted his life to the cause of social reform, when he takes the trouble of printing the summary and circulating it himself paying the postage, as he himself explained to the House, I cannot be satisfied with a general treatment by saying "Oh, he is all wrong". Now, let us see whether he is all wrong or whether I am wrong. Now, I would ask Honourable Members to take the Madras opinions printed at page 33. What does Dr. Deshmukh say in his summary,—“Opinions for 8, against 3, neutral 3”. The House should remember that, because I may have something, if time permits which is doubtful, to say about the reliability of this

percentage basis, later on, but I am now confining myself to the mathematical accuracy of Dr. Deshmukh,—opinions for are 8, against 3 and neutral 3. I would now ask Honourable Members to turn to the Madras opinion, remembering that, according to Dr. Deshmukh, there are only 3 opinions there which are against his Bill. We start, Sir, from page 26. The first opinion is—"The Hindu Women's Right to Divorce Bill is opposed to Hindu law and I consider that it should not be forced on the community". That is No. 1 against the Bill. I do not propose to read all these opinions. Then No. 2 is on the same page. Eight reasons are given against the Bill here, and none in favour, and I presume that cannot be said to be opinion in favour of the Bill. Then the third is,—Honourable Members should remember that Dr. Deshmukh said there are only three opinions in Madras against his Bill,—the second opinion on the top of page 26 which says—"There is no need for this legislation now". This is No. 3. Then we come to page 27, in the second paragraph it says—"Opinion is unhesitatingly against disturbing the hoary traditions of India" and so on. That is also against the Bill. That is No. 4. Then come to page 29. While the second opinion is in favour of the principle of the Bill, it insists that mutuality of rights should be given both to men and women. Again on the same page, the last but one at the bottom, after saying that there appears to be no objection to this Bill, it ends by saying that this Bill is not worth-while and it is not necessary to offend the Hindu sentiment and so on. This is against the Bill. Then, Sir, we come to No. 8. Sir Sivaswamy Aiyar says this: "I have to say that I am in favour of introducing a law of divorce for Hindus. But the Bill introduced by Dr. Deshmukh is utterly defective, inadequate, one-sided and unsatisfactory. There is no reason why the right of divorce should be conferred upon Hindu wives alone". That is opinion No. 8 against the Bill from Madras.

Then, on the next page, you will find another unequivocally against the Bill, in the first column. On the same page, in the second column, the last but one, some Bar Association says:

"At a General Body meeting held, the Bar Association passed a resolution that it is against the principles of the Bill."

Sir, I have shown to the House, although my friend claims that out of all these opinions only three opinions are against his Bill, that at least nine are against it. As I said, my time is short, and if you will go through the opinions received from Assam, Bengal and other provinces you will find that Dr. Deshmukh is wrong in some cases by only about three hundred per cent. He comes to the conclusion that the percentage is sixty in his favour. If he will make a proper calculation,—I would not say an honest calculation, because I am not fond of charging my opponents with dishonesty,—he will find that the bulk of the opinion is against his Bill. It does not require any nice mathematical calculation to see, that preponderating bulk of Hindu opinion,—no doubt from superstitious unenlightened Hindus waiting for the lamp to be shown to them by Dr. Deshmukh,—is entirely against this Bill. If that is so, one has got to consider what is the position of Government. In various statements, which have been made from time to time on behalf of Government, it has been pointed out that in one class of case an exception should be made to the ordinary rule that there should be no legislation against the wishes of the bulk of the community to be affected, and that is, where the practice or social custom is one which is opposed to the

[Sir Nripendra Sircar.]

ordinary and generally accepted notions of humanity and of morality, for instance, the case of infanticide. If Government has got to stop infanticide, it will not listen to the argument that say 55 per cent. is in favour of infanticide while 45 per cent. is against it. But this is not that case. One may remember in connection with the Sarda Act—and even that was bitterly opposed—Mr. Gadgil gave us figures of widows under one and two, of thousands, I do not remember them now, but it was thousands. Those are cases where Government should not examine with meticulous care the percentages of opinions. But in a case like this where we are trying to unsettle the foundations—no doubt, foundations due mainly to custom—and matters which will require adjustment, a very careful adjustment—there Government cannot ignore the fact that the opinions received have been against Dr. Deshmukh's Bill, however much some of them may have been in favour of the principle of divorce. So far, I have not said anything about whether I am in favour or I am against the principle. I shall, of course, make my position clear. But before expressing any personal opinion I would like to state that I have no power and no desire to commit Government to this attitude that at no time will they consider any Bill for giving the right of divorce to Hindu men or women. They will have to consider the state of public opinion, the nature of the Bill. If it is a worthless Bill like this, we need not give it any consideration, we can throw it out at sight, but if it is a proper Bill, and if public opinion has advanced or changed by that time, Government must retain the liberty to act in such a way as it thinks best when the occasion arises. Government cannot acknowledge the position that sanction for a reform of this type lies in the probability of a division in this House being in favour of the Bill. Something more is wanted to induce the Government to help the reforming minority to have their opinion forced down the throat of the majority of the community, by supporting such minority, by direct support of vote, or indirect support by neutrality.

I should, before making further general observations, come to the Bill itself, and if there is any time left, I shall have some more general remarks to make. Coming to the Bill, I have already read to the House that the reason of this Bill is:

“Cases are occurring frequently in India in which a married Hindu woman's life is made unbearable under circumstances brought about by her husband.”

The first is, “if her husband acquires impotency which is incurable any time after the marriage.” How has it been brought about by the conduct of the husband? I dare say he tried to preserve his potency as long as he could, but if he has failed, that is not a thing brought about by him. Then secondly, it opens the door to the medical profession,—it says, if it is proved incurable. Who is going to swear that? In Dr. Deshmukh's opinion it may be incurable, but six learned brothers of his, provided the client is rich enough to pay the fees, may say, “We can cure it within a year, we can cure it within ten years.” If it can be cured within three years or within the next ten years, it is not incurable, and the position of the unfortunate Hindu woman who has got to be saved from a friend, like Dr. Deshmukh, is this. She will, first of all, come to court and say, “My husband is impotent. Will your Honour kindly release me from the marriage? If your Honour does not know

how unbearable my life has become, please read Dr. Deshmukh's speech which shows what it is to a woman to have an impotent husband." Then the kind of evidence which the woman has got to lead must be rather embarrassing, to put it at its lowest, to that woman. What was happening in the times of dear old Manu I do not know. But probably ten thousand years ago, if two of the hoary-headed panchayat said, this fellow is impotent, that was enough. But, now, the woman has got to get into the witness box, the doctor has got to get into the witness box, and with the assistance of Dr. Deshmukh you cross examine that wretched woman and the doctor for three days, and then the court has to come to a conclusion whether it is curable or incurable. Let me pause to consider what happens. If the court finds that it is curable, the unfortunate husband says, I have got rid of a bad habit, I do not want to be cured. Then there is no relief. I am not drawing from my imagination when I say that it is not very easy to prove whether it is curable or incurable. But following Dr. Deshmukh's example, as he was speaking about matters about which he knows nothing, may I equally speak about medical subjects in which I am equally ignorant? I will read only one paragraph from page 466 of Price's book. I am not going to read the whole of it, it may be very interesting, about the signs of impotency and so on, iodides, carbo-hydrates, and what not. I am not going to read all that, but in the conclusion this learned author says:

"A certain distinguished surgeon who never refuses to operate—(*he must be very distinguished indeed*)—and in whose hands the mortality from the operation is 1·5 per cent., states that the indication for operation. . . ."

That is, according to that very eminent doctor who kills only 1·5 out of 100 patients, if there is an early operation this man may be cured. But let us see what that means. The author says:

"It is difficult to find fault with this statement, but there are few surgeons and nursing homes or hospitals available in which such excellent results are obtainable."

You may easily go to a doctor who kills 99·5 per cent. of his patients:

"This skill and experience of the surgeon and the type of nursing home or hospital are amongst the data to be considered. The economic position of the patient is also of considerable importance."

Taking a very serious view of the thing, or a practical view of the thing, is an issue of this kind very easily decided in court, whether a man is curable or incurable, remembering that if the finding is, it is curable, he can continue to be in that condition. There is no provision here that a mandamus should be issued by the court asking him to cure himself of his impotency. That is as regards the first ground.

Then I had the virtues of Dr. Deshmukh from Dr. Deshmukh himself. Of course, we learnt a lot about Hindu law from him. We also learnt, as I have said from him, some of the many virtues he possesses. For instance, he said among other things: "I am practical, I am an optimist. I am not frightened of anybody". Now, Sir, he is so practical that he has drafted a Bill which deserves a place at some unmentionable place. That is about his being practical. He is an optimist. Therefore, every ten minutes he was saying "If you don't like this, will you kindly draft a Bill? Will the Government draft some Bill or will the Government do what they can to see that this Bill is passed" so that he may say that Dr. Deshmukh set the ball rolling. This is optimism. Then, Sir, he is not frightened of anybody. That, of course, is easily understood.

[Sir Nirpendra Sircar.]

There is some old saying that some people will rush where others fear to tread. They are not frightened of anybody. Then we come to change of religion. Honourable Members will notice that it is not a case of renouncing Hinduism but any change of religion. If the husband becomes a Brahmo, or a Jain or a Sikh, he, of course, remains a Hindu for certain purposes but is that change of religion? I do not know but why is life made necessarily unbearable by the change of religion of the husband. Dr. Deshmukh is aware of the provisions of Mr. Kazmi's Bill which provides that it will not be a ground for dissolution of marriage unless by reason of change of religion, the religious practices of the wife are interfered with. Now, suppose a husband changes his religion and he does not interfere in any way with the religious practices and beliefs of the wife, why is life made unbearable. One unbearable circumstance is impotence. But why is life necessarily made unbearable by change of religion. What if the woman changes her religion. The husband has no remedy. The answer of Dr. Deshmukh is that the husband can marry again but, surely, Dr. Deshmukh is aware that under the Hindu law the husband by changing his religion cannot get rid of the rights of maintenance, even where the wife is leading an improper life, an unchaste life, the husband has to provide starving maintenance if the wife gives up her improper mode of life. It is all very well to say "You have a remedy. You can marry another". Surely, it is not so easy as Dr. Deshmukh thinks and I do not think that Dr. Deshmukh was really serious when he twitted his Muslim friends by saying "You can marry only four wives. I can marry a dozen wives or a hundred wives". Well, I think, Mrs. Deshmukh may have something to say about it, and in fact not more than three out of a thousand Hindu husbands have two wives.

Then, Sir, the third ground is that the husband marries another woman while the first marriage is in force. Now, I want the House to realise two of its implications. Dr. Deshmukh does not like polygamy. I cannot say that I like it or in my personal capacity I will support it. If the man marries a second time, the marriage is not invalid. It is not illegal. It is only in such cases as the wife may choose to come to court that she can get a divorce but we know what will happen. The Act about which Dr. Deshmukh was almost lyrical, talking of the spirit of Grant and Colvin, and so on, that law, I believe, he will agree, is a dead letter. There has been no change whatever worth mentioning in Hindu society. It has not touched the outermost fringe of Hindu life. Similarly many women will come forward to bring a suit for divorce. I do not know whether a suit is meant but I presume that is what Dr. Deshmukh means. Dr. Deshmukh thinks "After all there is a Select Committee and surely they can attend to this. I need draft only four lines".

**Dr. G. V. Deshmukh:** You said that this is going to unsettle the settled facts of society. Now you say it will be a dead letter. How do you reconcile the two?

**The Honourable Sir Nripendra Sircar:** I said that the settled ideas have got to be unsettled. I am perfectly right there and there is no occasion for this interruption. As this Bill is drafted no decent woman ought to look at it and I am not surprised at the Resolution which was

passed at a large meeting of women and men held in Delhi. They said this :

"While approving of the principle underlying Dr. Deshmukh's Bill (*I am all the time separating the two matters, the right of divorce to women and the particular Bill before us*) this public meeting is emphatically of opinion that the Bill should be so amended as to make it applicable to both men and women and to make adequate provisions for the maintenance and custody of the children and other safeguards."

Supposing these ladies were told "No, that cannot be done. The Bill has been so cleverly and skilfully drafted by Dr. Deshmukh that you cannot have this mutual right of divorce on which you are insisting", what would they say? After this Bill is passed, it will be proper for the husband to have a couple of concubines and then he gets out of this Bill.

Then, Sir, the fourth provision is "if her husband has deserted her for a continuous period of three years". Needless to say that such a small matter as defining desertion is beneath the notice of Dr. Deshmukh. He has not defined desertion. What he really means is that the husband should come back after two years, 11 months and 29 days and visit the woman once and go away. Then, there will be no continuous desertion. That is a matter that can be looked into the Select Committee. I am not confusing the issue. This does not stand on the same footing as insisting on the right to give right of divorce to women. I do not want to use an unfair argument but this is another example of the intense and anxious thought that my friend has given to his Bill. Then, Sir, if the husband is a true rascal, he can beat his wife every day. He can treat her cruelly but that will not be one of the conditions on which the woman can seek divorce. Dr. Deshmukh is anxious about the terrible condition of not having a husband nearby who is potent. But he is not thinking of the other situation that the woman may be assaulted and tortured every day—that is no ground—or that the husband may be leading an extremely improper sexual life coupled with cruelty or without cruelty—that is no ground—what he is anxious to remove is the severe agony of not having a husband near by who is "potent". That is the one thing. The husband, in my example, that is to say a thorough scoundrel, he does not change his religion, he remains a Hindu and he says, "I am a hundred per cent. Hindu" and he continues to be a hundred per cent. Hindu. If you can catch hold of a person who says he is a hundred per cent. Hindu, you cannot measure the percentage. No one can say, "I have not changed my religion. I have not married another man, I have kept a couple of concubines". That is quite true, but that is permissible under Dr. Deshmukh's Bill. So, better make no mention of it. At the end of two years eleven months and twenty nine days I go and see her. I tell her, "my dear wife, will you prepare some good food for me". That is no continuous desertion, nor do I understand what Dr. Deshmukh's idea is if the husband really does not turn up for three continuous years but supplies the wife with ample maintenance, gives her a good house and a motor car to drive on the sea side of Bombay and all other luxuries and medical attendance, including the "help" of the most eminent doctors, but he goes nowhere near the wife; I do not know whether that is desertion, but that can be attended to in the Select Committee.

Sir, as I said, the Bill is a one-clause Bill, in addition to the preamble which my friend has taken care to draw up, there is no mention for the custody of the children. Now, assuming that these rights are given, and the husband has married another woman, in nine cases out of ten the woman who has got the right of divorce will not go to the courts if

[Sir Nripendra Sircar.]

she knows that no provision can be made as regards the custody of the children. Her concern for the children, her anxiety for the children, would, as I said, in nine cases out of ten, rather induce her to continue to suffer than to go to court and get divorced. Now, as regards maintenance, Hindu law is much more generous than the law which Dr. Deshmukh would like this House to pass. If I may give him one passage only—because my friend was talking of *tyaga* and divorce, judicial separation, and so on—this right already exists and as I indicated to the ladies who came on deputation the other day, this does require some improvement and in that matter they have my sympathy, but they have got rights which are in no way mixed up with divorce but which are tolerably large rights. I shall not read more than six lines from Mulla's Principles of Hindu Law, page 587 :

*"Separate residence and maintenance".—(He is talking of the wife's maintenance here) "She is not entitled to separate residence or maintenance, unless she proves that, by reason of his misconduct or by his refusal to maintain her in his own place of residence, or for other justifying cause, she is compelled to live apart from him. Neither unkindness not amounting to cruelty, nor the fact that"—and I draw your special attention to this—"nor the fact that the husband has taken a second wife, nor ordinary quarrels between husband and wife, justify the wife in leaving her husband's house. But she would be justified in leaving his house, and would be entitled to separate maintenance from him, if he kept a concubine in the house, or habitually treated her with such cruelty as to endanger her personal safety."*

Now, under the Hindu Law, as it stands, I feel that this law, as to the maintenance of a Hindu woman, although that may not have a very direct bearing on this Bill, which is altogether silent about maintenance, does require attention in the interest of the status of the Hindu woman, and I cannot go into that matter too much today,—I have not got the time, nor is it directly relevant but, surely, what my friend was calling judicial separation, as regards that, that right of the woman is there if there is cruelty or any concubine is kept or if the other things happen which are mentioned in the question. She has the right to live separate from the husband and to claim a maintenance. It may be that Hindu opinion, owing to changes which are now taking place, will not object to extend this right of separate residence and maintenance in a case where, under the present law, she has not got that right, *viz.*, a second marriage. It may well be that provided that there will be a certain amount of elasticity in the courts and in a proper case, on the evidence, if it comes to the conclusion that the woman cannot reside consistently with her self-respect or, having regard to the treatment which is meted out to her, then she would be entitled to a separate maintenance. That, however, is a question which the House is not asked to consider, except as a matter ancillary to this Bill.

Sir, then, within the three minutes left I would like to say that there has been no provision for succession. Will this divorced woman have any rights in the property of her husband—not late husband in the sense of the dead husband but one who is divorced? What will happen to the five or six different classes of *stridhan* property? What will be the inheritance law applicable to the property of the woman? As Honourable Members, at least most of them who are Hindus, know, some of these properties, in the absence of a daughter and son, go back to the husband and the husband's family. Will that happen after divorce? Nothing is said here and all I am pointing out to the House is this omission. In fact all material provisions have been omitted and none included. I must conclude in two minutes. The motion before the House is, "should



we accept this motion for a Select Committee''? Now what will that mean? It will mean that the House will accept the principle of this Bill. What is the principle? There is only one principle, *viz.*, in certain circumstances the right of divorce should be given to Hindu married women. Is the House, having regard to the opinions which have been received and according to their notions of justice, equity, and good conscience, going to deny that right to the man, to allow the woman to lead any kind of life she likes, change her religion, desert her husband and what not, and yet, the husband cannot get rid of the wife but that in exactly similar circumstances the wife will have the right to get rid of the husband? Now, that is the only principle in this Bill. There is no other principle here and that is the only principle which the House is being asked to accept in face of the overwhelmingly strong opinion against it. Having regard to this, I am sorry I could not make some more general observations on this Bill, but I must state that Government will oppose the Bill at all its stages.

**Babu Baijnath Bajoria:** I would request the Chair that the House  
5 P.M. may sit a few minutes longer today.

**The Honourable Sir Nripendra Sircar:** I do not want to make a request of that kind.

**Mr. President** (The Honourable Sir Abdur Rahim): So far as the Chair is concerned, I am willing to sit late if that is the desire of the House.

**The Honourable Sir Nripendra Sircar:** I will take another five minutes. Sir. I really do not want to tire the House. I recognise the courtesy to which Dr. Deshmukh has most unwillingly been compelled, and which gives me the chance of speaking on this Bill, and I do not want to abuse it. Dr. Deshmukh, within the very limited time, namely  $3\frac{1}{2}$  hours, devoted one hour to the expounding of the law or rather his misreading of the law based on the use of the word "sacrament". He diverted into French, digressed into Greek and told us, ultimately, that the idea of sacrament is due to the English Judges being misled by the word 'sacrament'. They did not know that the real Sanskrit word is 'Samskar'. These poor European Judges may be excused and may be forgiven because they did not know what they were doing. But if my friend will turn up only some of the rulings which are cited in the opinions, the rulings of the Judicial Committee and the rulings of the Indian Judges, he will find that they have used the 'sacrament' and taken the trouble to find its real meaning after putting within brackets the Sanskrit word 'Samskar'. If these learned Judges of the High Court have come to this conclusion, I would rather prefer their opinion to Dr. Deshmukh, except in a surgical case.

**Dr. G. V. Deshmukh:** It is a surgical case.

**The Honourable Sir Nripendra Sircar:** He also said that Hindu religion is changing. I admit that. I would use that as an argument for not brushing aside the case of the Hindu woman for the improvement of the status of the wife, the sister and the daughter of a Hindu and I shall myself take up that argument for giving the best consideration to her case. I think he casually mentioned that the old custom or practice of what is called the raising of issue on wife by Kinsman has gone out for thousands of years. I entirely agree with him that a custom which might have

[Sir Nripendra Sircar.]

been good in 5000 B.C., owing to changing conditions in this world, may not be good today. If some of the customs which were at one time based on very sacred texts have been given up by the Hindu themselves, the question is whether that would be the only method by which other customs which do not now fit in with the changed social ideas of the Hindu community can be got rid of or modified. If that is so, it can never be done. A custom must be ancient, well-established and so on. How can we now establish an age-long, thousands of years old custom in favour of divorce? That custom exists, particularly in some parts of the Bombay Districts but it is confined to some of the lower classes of Hindus. As regards what may be called the higher classes, no case of divorce is known. If my friend's researches will induce him to go back even to the days of the epics, he will not find a single case of divorce. Therefore, whatever the law might have been and whatever my friend's reading of obsolete and ancient texts might be, the fact is that by practice, usage and custom for two thousand years, possibly more, the practice of divorce has been practically abolished. But my point or rather the point of view which I represent, not in my personal capacity as a Hindu but as a Member of the Government, is this, that this must be left to the change of social ideas among the Hindus themselves. I do not suggest that there should be an artificial rule that it is only when 51 per cent. of the Hindu population are in favour of this reform, it should be seriously considered by the Government. At the same time, if there is such a change and the Government can say or feel that it may not be exactly the majority but very near it, and that the bulk of the people who are going to be affected really want this measure, then, surely, it will be time enough for Government to support the measure. And it is for this reason that I want to make is clear that it is obvious that ideas are changing and although our women have every reason to be dissatisfied with their generally helpless condition and a lot of amelioration is required, they can legitimately say that within the last 15 years they have done more than had been accomplished within previous centuries. If this kind of change is to be made, it must be either by persuasion, by reasoning, and by propaganda converting the minority community into a majority, or by very substantial increase of the reforming minority. From the point of view of that it is not a hopeless task judging by the way in which progress is being made, 'progress' as affirmed by Reformists and denied by others. Before I resume my seat, if I may offer them a bit of advice as a sincere friend of Hindu women, I should say :

“For Heaven's sake have a better champion than Dr. Deshmukh”.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 12th April, 1939.