

5th September, 1933

THE

# LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

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Volume VI, 1933

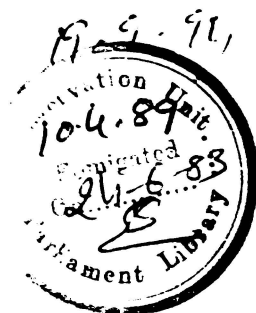
*(5th September to 14th September, 1933)*

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SIXTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY,  
1933



NEW DELHI  
GOVERNMENT OF INDIA PRESS  
1934

# Legislative Assembly.

*President :*

THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.

*Deputy President :*

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

*Panel of Chairmen :*

MR. H. P. MODY, M.L.A.

MR. K. C. NEOGY, M.L.A.

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

SIR ABDULLA-AL-MAMUN SUHRAWARDY, Kt., M.L.A.

*Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

*Assistant of the Secretary :*

RAI BAHADUR D. DUTT.

*Marshal :*

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

*Committee on Public Petitions :*

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

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

MR. B. SITARAMARAJU, M.L.A.

MR. GAYA PRASAD SINGH, M.L.A.

KUNWAR HAJEE ISMAIL ALI KHAN, O.B.E., M.L.A.

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# LEGISLATIVE ASSEMBLY.

*Tuesday, 5th September, 1933.*

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

## QUESTIONS AND ANSWERS.

### STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

603. **\*Mr. A. Das :** (a) Are Government aware that on the 19th February, 1932, the United Provinces Government in reply to question No. 21 (c) by Rao Krishnapal Singh stated that the East Indian Railway Rules did so apply and " they are bound to observe them under clause 4 of their agreement " ?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state why the East Indian Railway Leave Rules do not also apply to those teachers of Indian Schools who were in service prior to March 31st, 1930 ?

(c) Is it a fact that in 1931 the Headmaster of the East Indian Railway Indian High School, Asansole, was granted 6 months' leave on full pay, and 7 months' leave on half pay in continuation of the previous leave under the old East Indian Railway Leave Rules ?

(d) Is it a fact that there are several other instances of leave having been granted under the old Rules to teachers in the East Indian Railway Oakgrove and other schools ?

(e) Is it a fact that in certain cases grant of leave to teachers in other East Indian Railway Indian schools has been made contingent on ' funds being available ' ? If so, will Government be pleased to state if there is any other branch or department of the East Indian Railway or Government in which leave salary depends upon funds being available ?

(f) Is it a fact that, when the State took over the control of the East Indian Railway from the East Indian Railway Company, all old employees were given an option to choose between the old East Indian Railway Company Rules and the State Railway Rules ? If so, were the teachers of the East Indian Railway Schools given a similar choice ? If not, why not ?

(g) Is it a fact that when the new East Indian Railway Leave Rules were brought into force, another choice was given to all East Indian Railway employees ? If so, was a similar choice given to teachers of the East Indian Railway Schools as well ? If not, why not ?

(h) Are Government prepared to consider the advisability of removing all the anomalies and racial distinctions between the Headmasters and teachers of the East Indian Railway Indian Schools and the East Indian

Railway Anglo-Indian School at Oakgrove in the matter of leave, passes, status and position and treat them equally in all respects in the matter of privileges ?

**Mr. P. R. Rau :** (a) No.

(b) to (h). I am obtaining certain information to enable me to give a complete reply to this question and shall lay a reply on the table in due course.

#### STATUS OF TEACHERS OF THE EAST INDIAN RAILWAY INDIAN SCHOOLS.

604. **\*Mr. A. Das :** (a) Are Government aware that in the replies to question No. 296 (b), (c) & (d) by Mr. M. Maswood Ahmad, dated the 8th February, 1933, and to question No. 319 (b), (c) & (d) by Pandit Satyendra Nath Sen on the 9th February, 1933, affirming the correctness of the statements of Sir George Rainy on the 25th February, 1928, that the "schools of two of the biggest company-managed Railways have come under the *direct control of the State*" and on the 21st February, 1929, that the "schools are under *our control*", and on the 12th September, 1929, "that the schools are the property of the East Indian Railway and the East Indian Railway belongs to the Government, and I do not think that there can be any doubt that they are *Government schools* in that sense", and in the reply on behalf of Government to question No. 31 by Rao Krishnapal Singh in the United Provinces Legislative Council on the 19th February, 1933, Government have recognised that East Indian Railway Schools, including the East Indian Railway Oakgrove School for Anglo-Indians, are under the direct control of 'Central Government', and are as such 'Government schools' ?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state :

- (i) whether these schools are actually treated as such in the day to day administration as well ? If not, why ? If so, are they permitted to use service stamps on their correspondence ? If not, why not ;
- (ii) whether they are classified as such in Government returns ? If not, why not ;
- (iii) whether the local committees attached to these schools are advisory committees like those attached to Provincial Government schools of the same standard ? If not, why not ;
- (iv) whether the local managing committees attached to the East Indian Railway High Schools for Indians exercise full 'proprietary powers' like the committees of privately owned schools ? If so, why have these bodies been vested with such extraordinary powers ;
- (v) whether it is a fact that the committees attached to the East Indian Railway schools have full powers to punish, dismiss or discharge all teachers including the Headmaster ? If so, is a similar practice permissible in any other department or branch of Railway or Government service ? Are Government prepared to consider taking action to insure greater security of service to teachers in the East Indian Railway Schools ;

- (vi) whether they are aware that the committees attached to the East Indian Railway schools and possessing such extraordinary powers, contain a number of low-paid lower subordinates who are far inferior in education, status or salary to Headmasters and teachers whose destinies they actually control and govern? What action do Government propose to take to bring these committees into line with the committees attached to Provincial Government schools?

**Mr. P. B. Rau :** (a) This question is practically identical with part (a) of question No. 274 to which I have already replied.

(b) It does not follow that the internal Administration of these schools should follow in every particular the internal administration of Provincial Schools. Government have no information on the various points of detail raised by the Honourable Member which are for the Local Administration to decide. A copy of these questions is being sent to the Agent.

#### COLLECTION OF INFORMATION *re* POLITICAL OUTLOOK OF MILITARY TENDERERS.

605. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that the military authorities have asked for confidential information from the local authorities regarding the political outlook of some of the tenderers for buying agencies of grains and management of grain depots?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to lay a copy of these communications on the table of this House?

**Mr. G. R. F. Tottenham :** (a) It is the normal practice to make full enquiries about the status and reliability of all prospective contractors and not only about their political outlook.

(b) Government are not prepared to lay on the table copies of the confidential communications to which the Honourable Member refers.

**Mr. Gaya Prasad Singh :** May I know if views on political outlook were called for from Messrs. Owen Roberts and Co. also?

**Mr. G. R. F. Tottenham :** I am not certain if that was the case.

**Mr. Gaya Prasad Singh :** May I take it that the political outlook of a contractor is a determining factor in giving the contracts?

**Mr. G. R. F. Tottenham :** I can assure the Honourable Member that the military authorities are quite indifferent to the political views of their contractors so long as they are satisfied that they are not engaged in definitely subversive activities.

**Mr. Gaya Prasad Singh :** May I know then why the political views are called for?

**Mr. G. R. F. Tottenham :** So as to make sure, as I said, that they are not engaged in subversive activities.

#### DILAPIDATED CONDITION OF THE BUILDING OCCUPIED BY THE INDIAN STORES DEPARTMENT.

606. **\*Mr. Bhuput Sing :** (a) Are Government aware that the building occupied by the Indian Stores Department in Simla is in a very dilapi-

dated condition and some time back was altogether condemned for occupation ?

(b) How much cubic feet space is by rule allotted to a clerk in a room and is that rule observed in accommodating the clerical establishment of the Indian Stores Department in Simla ?

(c) Is it a fact that even verandahs are used for accommodating the establishment of the Indian Stores Department ?

(d) Is it a fact that last year the clerical establishment was informed that they would not move between Simla and Delhi and that they would be located permanently at New Delhi ?

(e) Are Government aware that consequent on those orders some of the clerks had taken down their complete household effects to New Delhi ?

(f) Is it a fact that later on they moved up to Simla and had to bring up all the luggage ?

(g) Do Government now propose to locate the Indian Stores Department at New Delhi permanently from next year ? If not, what are the difficulties ?

**Mr. A. G. Clow :** (a) This is true of one of the two buildings occupied by the Indian Stores Department.

(b) The space usually allotted is 40 square feet and this rule is observed for the Indian Stores Department in Simla as far as possible within the limits of the accommodation available.

(c) Glazed verandahs are so used and they are better lighted than some of the rooms.

(d) The staff was informed in October, 1931, that the Indian Stores Department would remain in Delhi in the following hot weather. This instruction was cancelled in February, 1932.

(e) and (f). Government have received no representations on the subject.

(g) Government have not yet reached a decision in the matter.

**Mr. B. Das :** Is it not a fact that the Stores Retrenchment Committee recommended that there should be no Simla exodus for the clerks of the Stores Department ?

**Mr. A. G. Clow :** I am quite prepared to accept it from the Honourable Member. I have no recollection of this.

**Mr. B. Das :** Have the Government accepted that recommendation of the Stores Retrenchment Committee ?

**Mr. A. G. Clow :** I would refer the Honourable Member to the answer to part (g) of the question.

#### LOCATION OF SOME ATTACHED OFFICES IN NEW DELHI.

607. **\*Mr. Bhuput Singh :** (a) Which of the Government of India and attached offices are located at Simla in the rented buildings and how much amount does each of the offices spend annually on this account ?

(b) Have Government considered in the interest of economy whether some of the attached offices, at least, should be located permanently at New

Delhi, in order to avoid renting of the buildings in Simla ? If not, why not ?

**The Honourable Sir Harry Haig :** (a) A statement giving the information desired by the Honourable Member is placed on the table.

(b) The Government considered this question in connection with a proposal of the Retrenchment Committee and have reached no decision beyond that stated on page 23 of the Summary of the Results of Retrenchment Operations in Civil Expenditure, copies of which are in the Library.

*Statement.*

| Name of office located at Simla in rented building.            | Amount of rent paid annually.<br>Rs.                              |
|--|---|
| Imperial Council of Agricultural Research Department           | 4,380<br>(rent for the first year was Rs. 4,720).                 |
| Reforms Office .. .. .   | 2,600   |
| Record room of the Army Department .. .. .                     | 800   |
| No. 6, Drawing Office of the Frontier Circle, Survey of India. | 4,000 for 1933<br>(In previous years Rs. 3,500 was paid as rent). |

**BENGAL STATE PRISONERS DETAINED IN JAILS OF THE MADRAS PRESIDENCY.**

608. **\*Mr. Bhuput Sing :** Will Government be pleased to state whether the following Bengal State Prisoners are at present detained in the jails of the Madras Presidency and when were they transferred from Bengal ?

Sjts. Pratu Chandra Ganguly, Trailokya Nath Chakravarty, Ramesh Chandra Acharyya, Rabindra Mohan Sen-Gupta, Surendra Mohan Ghosh, Jihanlal Chatterjee, Benoyendra Nath Roy Chaudhary, and Pratul Chandra Bhattacharya.

**The Honourable Sir Harry Haig :** The answer to the first part is in the affirmative. The State Prisoners were transferred to Madras about the end of November, 1931.

**DIET ALLOWANCE OF CERTAIN BENGAL STATE PRISONERS DETAINED IN JAILS IN THE MADRAS PRESIDENCY.**

609. **\*Mr. Bhuput Sing :** (a) Is it a fact that the above mentioned State Prisoners used to get Rs. 2 per diem per head as diet allowance at the Buxa Detention Camp before being transferred to the Madras Presidency ?

(b) Is it a fact that the Bengal State Prisoners detained in the jails of the Madras Presidency used to get Rs. 2 per head per diem as diet allowance in 1926-27 ?

(c) Is it a fact that the Superintendents, District Collectors and non-official visitors of the central jails at Cannanore and Trichinopoly did recommend Rs. 2 per diem per head to be paid to the Bengal State Prisoners at present detained in the jails of the Madras Presidency ?

(d) Is it a fact that in spite of the recommendation of the District Collectors and official and non-official visitors of certain jails in the Madras Presidency the Government have sanctioned Rs. 1-4-0 only per diem for the State Prisoners at present detained in Madras jails? If so, why have the recommendations of those officials and non-officials been ignored?

(c) Will Government be pleased to state the principles which guide the Government in fixing the allowances of State Prisoners detained in the jails of provinces other than Bengal?

(f) Do Government propose to accept the recommendations of the District Collector, Superintendents of Jails and other non-official visitors of the Madras jails and sanction Rs. 2 per head per diem as recommended by the Superintendents of Jails, District Collectors and non-official visitors? If not, why not?

**The Honourable Sir Harry Haig :** (a) The scale of allowances in Bengal varied from Rs. 1-6-0 to Rs. 2 a day, but was subsequently reduced to Rs. 1 to 1-10-0.

(b) The scale then ranged from Rs. 1-6-0 to Rs. 2.

(c), (d) and (e). I would refer the Honourable Member to the reply given by me to Mr. Mitra's question No. 257 on the 8th February, 1933.

(f) Does not arise.

#### PROVISION OF ELECTRIC FANS FOR STATE PRISONERS AND DETENUS IN THE TRICHINOPOLY JAIL.

610. **\*Mr. Bhuput Sing :** (a) Is it a fact that the Honourable the Home Member did assure the Members of this House that, when necessary, fans would be provided to the State Prisoners and detenues? Is it a fact that Trichinopoly is a very hot place?

(b) Is it a fact that the Bengal State Prisoners, detained in the Trichinopoly central jail, requested Government to pay only for the cost of electric energy, which has been refused?

(c) Is it also a fact that permission has been refused for the purchase of electric fans by the State Prisoners at their own cost, though there is electric installation in all the blocks of the Trichinopoly jail?

**The Honourable Sir Harry Haig :** (a) The assurance given in this House to which the Honourable Member refers was with reference to the provision of *punkhas* for the Bengal detenues confined in the Deoli Detention Jail.

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

#### SPORTS ALLOWANCE FOR BENGAL STATE PRISONERS IN JAILS OF THE MADRAS PRESIDENCY.

611. **\*Mr. Bhuput Sing :** Will Government be pleased to state :

(i) whether any sports allowance has been sanctioned for the Bengal State Prisoners in jails of the Madras Presidency ;

(ii) if so, what is the amount sanctioned for it ;

(iii) what is the annual recurring grant for the purpose ?

**The Honourable Sir Harry Haig :** (i) Yes.

(ii) Rs. 50 per head.

(iii) No recurring expenditure has been fixed, but applications for such expenditure are considered on merits.

STATE PRISONERS AND DETENUS IN JAILS.

612. **\*Mr. Bhuput Sing :** Will Government be pleased to state (i) the number of State Prisoners under Regulation III of 1818, and (ii) the number of detenus under the Bengal Criminal Law Amendment Act at present detained in various jails of each of the different provinces ?

**The Honourable Sir Harry Haig :** I would refer the Honourable Member to my reply to part (a) of Mr S. C. Mitra's question No. 3 on the 22nd August, 1933.

STATE PRISONERS INTERNED IN VILLAGES AND DETENUS IN THE DEOLI DETENTION CAMP.

613. **\*Mr. Bhuput Sing :** Will Government be pleased to state separately the number of State Prisoners (i) interned in the villages, and (ii) the number of detenus detained in the Deoli Detention jail (Ajmere-Merwara) ?

**The Honourable Sir Harry Haig :** (i) 196.

(ii) 192.

BENGALIS DETAINED WITHOUT TRIAL IN BURMA JAILS UNDER THE BURMA ORDINANCE.

614. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state the number of Bengalis detained without trial in Burma jails under the Burma Ordinance in connection with the recent revolutionary activities stating their names and the condition of their present health ?

(b) Will Government be pleased to state the number of persons (i) shot dead, (ii) convicted, and (iii) executed, in connection with the Burma rebellion, and how many of them were Indians in each of the three categories ?

**The Honourable Sir Harry Haig :** (a) Eight Bengalis have been detained under the Burma Criminal Law Amendment Act. I understand that all are in good health.

(b) (i). There is no record of the precise number.

(ii) The total is not yet known as all trials have not been completed. 1,138 convictions have been reviewed by the Local Government with a view to exercising clemency where possible.

(iii) 113.

No Indians are included in the above categories.

RECRUITMENT OF STAFF ON DAILY WAGES BASIS IN THE CENTRAL PUBLICATION BRANCH.

615. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state :

(i) how many cases of reported illness have occurred amongst the staff of the Central Publication Branch in the course of the last six months ;

- (ii) what are the kinds of maladies ;
- (iii) how many officers have gone on leave on medical grounds in the course of the last six months ?
- (b) What is the total strength of the staff of the Central Publication Branch ?
- (c) Is it a fact that a large number of men have been recruited at Delhi by the Central Publication Branch on daily wages basis ? If so, will Government be pleased to state :
- (i) What is the total number of such temporary men ;
  - (ii) How long they have been serving ;
  - (iii) What are their respective qualifications ;
  - (iv) How many of them are doing desk work ;
  - (v) What are the rates of wages per diem paid to each of them ;
  - (vi) What is the total monthly expenditure incurred in maintaining this temporary establishment on daily rates and for how many months have they been under employment continuously from day to day ;
  - (vii) What is the total expenditure incurred up till now during the current financial year ;
  - (viii) What is the amount spent in payment of daily wages of temporary men employed during the months of December, 1932, and January to March, 1933, at daily rate basis ;
  - (ix) The head of the budget grant of the office from which their wages are being met during the current financial year ;
  - (x) What is the annual budget allotment under that head ;
  - (xi) Whether the expenditure on account of maintaining these men is likely to exceed the budget allotment ? If so, how is it proposed to meet the excess expenditure ;
  - (xii) What are the reasons for the maintenance of such daily wages men ;
  - (xiii) How many of such daily wages men were recommended to the then officiating Manager of the Central Publication Branch by the then officiating Deputy Controller of Printing and Stationery, Mr. C. V. d'Eca ;
  - (xiv) Whether the daily wages temporary men are being recommended by the present Manager for higher grade posts of the office to the exclusion of senior hands ?

**Mr. A. G. Clow :** (a) (i). 112.

(ii) Various ailments : I can show the Honourable Member a list if he so desires.

(iii) 24.

(b) 154.

(c) Yes.

(i) 91.



(ii) and (vi). Various terms commencing from November, 1932. The average monthly expenditure is Rs. 1,930.

(iii) Matriculates, under-graduates and men with previous secretariat experience.

(iv) 35 approximately.

(v) Varying between As. 8 and Re. 1.

(vii) Rs. 7,683.

(viii) For December, 1932 .. .. Rs. 1,799

For January, 1933 .. .. Rs. 2,095

For February, 1933 .. .. Rs. 2,180

For March, 1933 .. .. Rs. 2,511

(ix) E.B.-Contingencies—Office Expenses and Miscellaneous.

(x) Rs. 18,500 during the current financial year.

(xi) I have no reason for supposing that the budget allotment will be exceeded on this account.

(xii) To enable the arrears to be overtaken expeditiously.

(xiii) Government have no information.

(xiv) Men who have proved themselves qualified and capable have been recommended for promotion.

#### GRIEVANCES OF THE STAFF OF THE CENTRAL PUBLICATION BRANCH.

616. **\*Mr. Bhupat Singh :** (a) Is it a fact that the Controller of Printing and Stationery inspected the office of the Central Publication Branch at Delhi almost every day during the months of May and June last. If so, what was the report of such inspection ?

(b) Is it a fact that the Controller has advised the present Manager to devise means for the elimination of the Bengali element of the staff ? If so, what are the reasons for such remarks ?

(c) Are Government aware that the staff have been extremely panic-stricken ? If not, do they propose to enquire into the matter ?

(d) Are Government aware that the present Manager of the Central Publication Branch has got an antipathy for the Bengali staff employed there ? If so, why ?

(e) Is it a fact that the Manager of the Publication Branch has issued a circular to his staff regarding ventilation of grievances relating to allotment of quarters ? If so, is it a fact that the Manager has threatened therein the staff with disciplinary action in the event of ventilation of grievances direct to the Government of India ? Do Government propose to place a copy of that circular on the table of this House ? If not, why not ?

(f) Is it a fact that the Manager has remarked in the said circular that direct representation to Government regarding quarters is a "master-stroke of stupidity" ?

(g) Are Government aware of the circumstances that forced the staff to send direct representation to them ? If not, do they propose to enquire into the matter ? If not, why not ?

**Mr. A. G. Clow :** (a) Yes. The report disclosed the need of a much higher standard of efficiency in the Branch.

(b) and (d). The answer to the first parts is in the negative ; the second parts do not arise.

(c), (e) and (g). Certain telegrams purporting to come from the staff suggest that the senders were in a somewhat hysterical frame of mind. In view of this Government do not propose to take any action on this occasion, but the staff have been warned by the Manager that action will be taken against those who act in this manner in future. Government do not propose to lay a copy of the note containing this order on the table, as office notes are confidential.

(f) I am informed that this phrase was not used.

#### GUNNY BAGS AND PACKING CASES PURCHASED BY THE CENTRAL PUBLICATION BRANCH.

617. **\*Mr. Bhuput Sing :** Will Government be pleased to lay on the table of this House a statement showing :

(i) the number of gunny bags and packing boxes purchased by the Central Publication Branch on the eve of the transfer of that office to Delhi ;

(ii) the number of the above now available in stock ;

(iii) the total cost of such articles purchased ?

**Mr. A. G. Clow :** (i) 4,000 gunny bags and 350 boxes.

(ii) 3,000 gunny bags are in stock in the Central Publication Branch, and the boxes are in use there.

(iii) Rs. 3,027.

#### COST OF PRODUCTION OF PUBLICATIONS SOLD AS WASTE PAPER ON THE TRANSFER OF THE CENTRAL PUBLICATION BRANCH TO DELHI.

618. **\*Mr. Bhuput Sing :** Will Government be pleased to state the total approximate cost of production of the various Government of India publications that were sold as waste paper on the eve of the move of the Central Publication Branch from Calcutta ?

**Mr. A. G. Clow :** The information has been called for and will be placed on the table of the House in due course.

#### PUBLIC SERVICE COMMISSION EXAMINATION FOR THE SECRETARIAT.

619. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state the number of candidates who passed the Public Service Commission test for the Second Division of the Secretariat since 1920 ? How many of these are not provided for permanently in that Division ?

(b) Is it a fact that a competitive examination for recruitment to the First and Second Divisions of the Secretariat was held in 1926 by

the Public Service Commission and if so, have all those who were successful been permanently provided for in their respective grades? If not, why were the subsequent examinations held?

**The Honourable Sir Harry Haig :** (a) I would invite the Honourable Member's attention to the reply I am going to give to part (a) of his question No. 622.

(b) A competitive examination was held in 1926 for a specified number of vacancies in each of the three Divisions, which did not materialize in full. I understand that some of the candidates who qualified at this examination have not yet secured permanent employment in the Divisions for which they are qualified. As regards the last part of this question I would invite attention to the reply given by Sir James Crerar to parts (d) and (e) of Mr. B. N. Misra's question No. 783 on the 23rd September, 1931, and to my reply to parts (c) and (d) of Mr. S. C. Mitra's question No. 403 on the 21st February, 1933.

#### PROMOTION OF SECOND DIVISION CLERKS IN CERTAIN ATTACHED OFFICES.

620. **\*Mr. Bhuput Singh :** (a) Is it a fact that the Home Department issued a circular No. F-94/30-Ests., dated 18th February, 1931, to the various departments to the effect that "in order to meet difficulties of a temporary nature, which arise mainly from the fact that candidates who qualified at previous examinations have not yet been permanently absorbed in the Division for which they are qualified, it was decided that men who competed for the Second Division of the Secretariat but were working in the various Attached and Subordinate offices, could be promoted to 23-1/3 per cent. of the Upper Division vacancies occurring in their respective offices"? If so, will Government be pleased to state the number of such promotions made in the following offices :

- (i) Public Service Commission,
- (ii) Indian Stores Department,
- (iii) Director-General, Indian Medical Service?

How many of these promoted men have since been confirmed and how many are working on an officiating or temporary basis?

(b) Is it a fact that Government contemplate introducing a revised scale of pay and allowances for the Secretariat and its attached and subordinate offices located at Simla/Delhi?

(c) Is it also a fact that the committee appointed for this purpose has recommended reduction in the number of Upper Division posts in most of the Attached and Subordinate Offices?

(d) Are Government aware that the introduction of any such proposal without adequate safeguards for the interests of the 'promoted' Second Division men mentioned in part (a) above is likely to take off the vacancies which are at present held by them and leave only a remote chance of their re-promotion to the Upper Division?

(e) Do Government propose to order that in the event of the revised scales of pay and allowances being introduced, it will not affect adversely in any way those men who are at present employed whether in a temporary or officiating capacity in the various Attached and Subordinate Offices?

under the Home Department circular referred to in part (a) above ? Are Government prepared to direct that notwithstanding any reduction or abolition in the number of Upper Division posts in the Attached and Subordinate Offices, such 'defunct' posts should be treated as 'existing vacancies' for the purpose of securing ultimate permanent absorption of such 'promoted' Assistants ?

(f) Are Government aware that in 1926 a notice was published in the various newspapers, etc., announcing the holding of the competitive examination for recruitment to First and Second Divisions and no condition was stipulated that the scales of pay published therein would be subject to retrenchment or revision ?

(g) Is it a fact that the Home Department circular referred to above provided for preference to those candidates who competed in the 1926 examination ?

(h) Will Government be pleased to state in how many cases such preference was actually given in the following offices in promoting the Second Division passed men to the Upper Division :

- (i) Public Service Commission,
- (ii) Indian Stores Department,
- (iii) Director-General, Indian Medical Service,
- (iv) Master-General of the Ordnance, Army Headquarters ?

(i) Will Government be pleased to state if it was the intention of the Home Department circular referred to that preference should also be given to those men who passed in the Second Division of the Secretariat but were eligible for promotion to the Upper Division of the attached and subordinate offices under that circular ?

**The Honourable Sir Harry Haig :** (a) and (h). As regards the first portion of part (a), I may mention that 33 1/3 per cent. of the First Division vacancies in Attached Offices are reserved for the promotion of all classes of Routine Division clerks in Attached Offices, whether qualified for the Second Division of the Secretariat proper or not—*vide* paragraph 3 (IV) of the Office Memorandum referred to, a copy of which is available in the Library. The information asked for in the latter portion of part (a) and in part (h) is contained in a statement I lay on the table.

(b) Yes, in common with other services under the control of the Governor General in Council.

(c) Yes. This was the recommendation of a Departmental Conference, and not a Committee.

(d) and (e). The question of safeguarding the interests of men in Attached Offices now in service as a result of the introduction of the new scales of pay and the reduction in the number of Upper Division posts in Attached Offices is under examination.

(f) No such stipulation was made because there was then no question of revising the scales of pay.

(g) Yes, *vide* paragraph 3 (II) (b) of the Memorandum referred to in my reply to part (a) of the question.

(i) No.

*Statement.*

*Statement showing (1) the number of promoted Second Division clerks who have been confirmed in the First Division, (2) the number who are working in an officiating or temporary basis in that Division and (3) the number of cases in which preference was given to 1926 candidates in certain Attached Offices.*

- |  |    |   |   |
|--|----|---|---|
| (i) Public Service Commission                  | .. | ..  | (1) Four (officiating) promotions have been made since 18th February 1931.<br>(2) None has been confirmed. One man is at present officiating in the First Division.<br>(3) In no case was preference given to a 1926 candidate, but of the men who officiated in the First Division 2 passed the Second Division Examination in 1926.   |
| (ii) Indian Stores Department                  | .. | ..  | (1) Three men were promoted in temporary substantive vacancies and 5 men against officiating vacancies in the First Division since 18th February 1931.<br>(2) None has so far been confirmed. Five men are at present officiating or temporary in the First Division.<br>(3) In no case was preference given to a 1926 candidate. Of the candidates promoted one was a 1926 man who was selected according to his position in the gradation list of the office. |
| (iii) Director-General, Indian Medical Service |    | (1)   | Five officiating promotions have been made since 18th February 1931.<br>(2) One man has been confirmed and one is at present officiating in the First Division.<br>(3) In no case was preference given to 1926 candidates.  |
| (iv) Master General of the Ordnance Branch     | .. | There being no Second Division clerks in the Branch who competed in the 1926 examination, the question of granting preference does not arise. |   |

**EMPLOYMENT OF MEN WHO PASSED THE SECOND DIVISION SECRETARIAT EXAMINATION IN CERTAIN ATTACHED OFFICES.**

621. \*Mr. Bhuput Sing : Will Government be pleased to state how many of the men who passed the Second Division Secretariat examination in 1926 are at present employed in the following offices :

- (i) Public Service Commission,
- (ii) Indian Stores Department,
- (iii) Director-General, Indian Medical Service,
- (iv) Master-General of the Ordnance, Army Headquarters ?

**The Honourable Sir Harry Haig :** There are three such men in the office of the Public Service Commission, four in the Indian Stores Department (Headquarters Office), one in the office of the Director-General, Indian Medical Service, and three in the Master-General of Ordnance Branch, Army Headquarters.

**PUBLIC SERVICE COMMISSION EXAMINATION FOR THE SECOND DIVISION OF THE SECRETARIAT.**

622. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to lay on the table a statement giving the following information year by year from 1920 to date :

- (i) number of men qualified or passed for the Second Division of the Secretariat ;
- (ii) number of men who were provided for permanently in the Second Division of the Secretariat in the year of their passing and the number of unprovided men left over at the end of each year ;
- (iii) total number of men passed for the Second Division of the Secretariat but not provided for permanently in that Division up to date ;
- (iv) the amount of examination fee collected each year ?

(b) If the answer to part (a) above shows that there are still candidates unprovided for in their respective grades, do Government propose to consider the question of granting an extension to the initial period of three years for which the Home Department circular referred to was designed to operate ? If not, why not ?

**The Honourable Sir Harry Haig :** (a) (i) and (iv). Information regarding the number of candidates who passed the prescribed test for employment in the Second Division of the Secretariat in the years 1920 to 1925 is not readily available and I do not propose to collect it. I lay on the table a statement showing the number of candidates who qualified for the Second Division Secretariat, at examinations held by the Public Service Commission since 1926, and the amount of fees realized from the Ministerial Service examinations since 1920.

(a) (ii) and (iii). The information is not readily available and I regret that I cannot undertake to collect it.

(b) Government are considering the matter.

*Statement showing the number of candidates who qualified for the Second Division Secretariat, at examinations held by the Public Service Commission since 1926.*

| Year in which the examination was held. |    |    |    | No. of candidates qualified.   |
|---|----|----|----|--|
| 1926                                    | .. | .. | .. | 58   |
| 1929                                    | .. | .. | .. | 31   |
| 1931                                    | .. | .. | .. | The examination was competitive. On its results, 6 candidates secured appointments in the Secretariat and 6 in Attached Offices. |
| 1933                                    | .. | .. | .. |  |
|   |    |    |    | .. The examination was competitive. The results have not yet been declared.  |

*Statement showing the amount of fees realised from the Ministerial Service examinations held since 1920.*

| Year in which examination<br>was held. |    |    |    |    |    | Amount of fees<br>realised. |
|--|----|----|----|----|----|-----------------------------|
|  |    |    |    |    |    | Rs.                         |
| 1920                                   | .. | .. | .. | .. | .. | 3,428 (Approximately).      |
| 1922                                   | .. | .. | .. | .. | .. | 16,392/2                    |
| 1924                                   | .. | .. | .. | .. | .. | 6,670                       |
| 1925                                   | .. | .. | .. | .. | .. | 9,250                       |
| 1926                                   | .. | .. | .. | .. | .. | 15,100                      |
| 1929                                   | .. | .. | .. | .. | .. | Nil.                        |
| 1931                                   | .. | .. | .. | .. | .. | 17,880                      |
| 1933                                   | .. | .. | .. | .. | .. | 26,580                      |

**SAFETY OF THE INMATES OF THE ' D ' AND ' C ' TYPE QUARTERS IN  
NEW DELHI.**

623. **\*Mr. Bhuput Sing :** (a) Is it a fact that in the ' D ' and ' C ' class quarters in New Delhi, there is a pathway adjoining the front corridor and that there is a similar road provided at the back of such quarters ?

(b) Is it also a fact that there is at present no restriction to the use of the front pathway for vehicular traffic ? If so, are Government prepared to direct that the pathway in the front of such quarters should not be used for vehicular traffic ? Do Government realize that such practice involves serious risk of personal injury, especially to children who may come out of the quarters ?

(c) Are Government aware that in most of the lawns adjacent to the ' D ' and ' C ' type quarters referred to, hazardous games like cricket and foot-ball are at present played ? If so, are Government prepared to take steps to put a stop to such hazardous games ? Do Government realize that such games expose the tenants of the adjoining quarters to risks of serious personal injury, especially to children ? Do Government propose to direct that no games except those that require only a limited area, *e.g.*, volley-ball or badminton, will be permitted in such lawns ? If not, are Government prepared to ascertain the views of the tenants of the ' D ' and ' C ' class quarters in this matter and take steps to protect the tenants from accidents or risks of physical injury to which they are at present exposed ?

**Mr. A. G. Clow :** (a) Yes, there is a pathway adjoining the front corridor, and there is a service road at the back of the quarters, the metalled portion of which does not adjoin the quarters, while in most cases there is a drain between them.

(b) There is no restriction on the use of the front pathway, but in practice it is used only by the tenants or their visitors.

(c) No cases in which organised games of hockey, cricket, or football have been played on the lawns adjacent to the quarters have been brought to notice. Badminton and Volley-Ball are the only two games generally played by the tenants on the lawns. The other parts of the question do not arise.

## COMMUNAL COMPOSITION OF THE JUDGES OF HIGH COURTS AND CHIEF COURTS.

624. \*Mr. M. Maswood Ahmad : Will Government be pleased to state :

- (i) the number of High Court Judges, permanent and temporary (separately) in each of the High Courts and Chief Courts ; and
- (ii) the communal composition of the judges of the High Courts and Chief Courts ?

The Honourable Sir Harry Haig : (i) and (ii). I lay on the table a statement giving the information.

*Statement showing the present strength of High Courts and the Chief Court, Oudh, and the communal composition of the Judges.*

| Strength.                             | Muslims. | Hindus. | Indian Christians. | Europeans. | Others.   |
|---------------------------------------|----------|---------|--------------------|------------|-----------|
| <b>HIGH COURTS.</b>                   |          |         |                    |            |           |
| <i>Madras.</i>                        |          |         |                    |            |           |
| 14 permanent Judges ..                |          | 6       |                    | 8          | ..        |
| <i>Bombay.</i>                        |          |         |                    |            |           |
| 10 permanent and 1 Additional Judges. | 1        | 3       |                    | 6          | 1 Parsi.  |
| <i>Calcutta.</i>                      |          |         |                    |            |           |
| 15 permanent and 3 Additional Judges. | 1        | 8       |                    | 9          | ..        |
| <i>Allahabad.</i>                     |          |         |                    |            |           |
| 9 permanent and 3 Additional Judges.  | 3        | 3       |                    | 6          | ..        |
| <i>Lahore.</i>                        |          |         |                    |            |           |
| 9 permanent and 3 Additional Judges.  | 2        | 3       | 1                  | 6          | ..        |
| <i>Patna.</i>                         |          |         |                    |            |           |
| 9 permanent and 1 Additional Judges.  | 2        | 2       | 1                  | 5          | ..        |
| <i>Rangoon.</i>                       |          |         |                    |            |           |
| 11 permanent Judges ..                | ..       | 2       | ..                 | 7          | 2 Burmese |
| <b>CHIEF COURT.</b>                   |          |         |                    |            |           |
| <i>Oudh.</i>                          |          |         |                    |            |           |
| 5 permanent Judges ..                 | 2        | 1       | ..                 | 1          | 1 Parsi.  |
| <b>Total</b> ..                       | 11       | 28      | 2                  | 48         | 4         |



INCREASE IN THE NUMBER OF MUSLIM JUDGES IN THE CALCUTTA HIGH COURT.

625. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that the Calcutta High Court in a way, is under the control of the Central Government ?

(b) Is it a fact that men of one province may be appointed as judges of the High Court in another province ?

(c) How many judges have been appointed in the Calcutta High Court during the last ten years and how many of them were Muslims ?

(d) Will Government be pleased to state the action they have taken or they propose to take for increasing the number of Muslim judges in the Calcutta High Court ?

**The Honourable Sir Harry Haig** : (a) The Calcutta High Court is under the administrative control of the Government of India.

(b) There is nothing to prevent such appointments.

(c) During the period 1921-1930, 17 permanent Judges were appointed of whom one was a Muslim. During 1931 and 1932, three permanent Judges were appointed of whom one was a Muslim.

(d) I would refer my Honourable friend to the answer given by my predecessor to part (c) of Mr. Uppi Saheb Bahadur's question No. 1077, in this House on the 23rd March, 1931.

**Mr. Gaya Prasad Singh** : Do Government admit the principle of appointing Judges of the High Court on communal lines ?

**The Honourable Sir Harry Haig** : No, Sir. That principle has not been accepted.

**Mr. M. Maswood Ahmad** : May I ask, Sir, what was the recommendation of the Government to the Joint Parliamentary Committee about the position of the Calcutta High Court ? Will it be on the same footing as other High Courts in other provinces or will it continue to have some differential treatment ?

**The Honourable Sir Harry Haig** : I answered that question yesterday. I said that the matter was under the consideration of His Majesty's Government and that I was not in a position to disclose the recommendations of the Government of India.

**Mr. M. Maswood Ahmad** : Do they propose that in future the Calcutta High Court shall be on the same footing as the other High Courts ?

**The Honourable Sir Harry Haig** : I am afraid my answer must be the same.

FIRMS MANUFACTURING PLAYING CARDS IN INDIA.

626. \***Mr. S. C. Mitra** : (a) Are Government aware that playing cards are being manufactured in India ? If not, do they propose to enquire and state how many manufacturing concerns of playing cards have been started in India ?

(b) Will Government be pleased to state the total cost of the playing cards imported into India during each of the last three financial years ?

(c) Is it a fact that the import duty on playing cards is 50 per cent. *ad valorem* and the duty on the imported card-boards, from which such playing cards are made in India, is about 30 per cent. *ad valorem* ?

(d) Are Government aware that the difference of 20 per cent. duty between the raw material and the finished product is not giving the desired impetus to the playing card manufacturing in India ?

(e) Are Government aware that the Japanese playing cards are being dumped into India, affecting this infant industry of the manufacture of playing cards in India ? If not, do they propose to enquire into the matter and take proper measures to counteract the dumping into India of playing cards from other countries ?

(f) Do Government propose to raise the duty on imported cards to 75 per cent. *ad valorem* ? If not, why not ?

(g) Do Government propose to enquire as to the amount of capital invested in this industry throughout the whole of India ?

**The Honourable Sir Joseph Bhoré :** (a) Yes.

(b) The information required by the Honourable Member is contained in Volume I of the Annual Statement of the Sea-borne Trade of British India, copies of which are in the Library.

(c) The import duty on playing cards is—

|   | Per cent.<br><i>ad valorem</i> . |
|---|----------------------------------|
| Standard rate .. .. .                       | 50                               |
| Preferential rate for the United Kingdom    | 40                               |
| and that on card-board is—                  |                                  |
| Standard rate .. .. .                       | 30                               |
| Preferential rate for the United Kingdom .. | 20                               |

(d) It is not the case, as the Honourable Member appears to suggest that the duty on playing cards has been fixed at its present level with a view to giving protection to the local industry.

(e) and (f). Government have received representations from certain playing cards manufacturers in India asking for protection under the Safeguarding of Industries Act, 1933, and these representations are now receiving consideration.

(g) Government have made enquiries as to the amount of capital invested in the industry.

**Mr. Gaya Prasad Singh :** May I ask, Sir, by what time the result of the inquiry will be known ?

**The Honourable Sir Joseph Bhoré :** I do not exactly know to what my Honourable friend refers. If he is referring to the action to be taken, I think I made the position fairly clear during the last two or three days. I pointed out that an investigation was being undertaken into the case of all those industries that have applied for protection under the Safeguarding of Industries Act, but that we could not take immediate action pending the negotiations with Japan.

**Mr. Jagan Nath Aggarwal :** Are Government aware that this is a newly started industry and, therefore, it requires better treatment than the older industries ?

**The Honourable Sir Joseph Bhoré :** I do not know what my Honourable friend means by saying that this industry requires better treatment, but I am sure that my Honourable friend realises that if it is the case that an industry requires definite protection, it should make an application, and if Government consider that there are *prima facie* grounds for going into that application, they will refer it to the Tariff Board.

**Mr. Jagan Nath Aggarwal :** Would it not be too late if the matter is referred to the Tariff Board after the negotiations with Japan have been completed ? Steps should be taken before the negotiations.

**The Honourable Sir Joseph Bhoré :** Not at all. The negotiations will have no effect as far as I can see upon our policy of discriminating protection.

**Mr. M. Maswood Ahmad :** Is it not possible to send these applications to the Tariff Board at once so that the matter may be considered by the Government of India just after the discussion with the Japanese delegation ?

**The Honourable Sir Joseph Bhoré :** The applications at the present moment are for action under the Safeguarding of Industries Act and, with reference to these particular applications, a very careful examination is being made in regard to each industry, so that we may be provided with data to enable us to conduct negotiations with Japan in respect of these industries.

**Sir Cowasji Jehangir :** Did the Honourable Member say just now that in this particular case reference will be made to the Tariff Board ?

**The Honourable Sir Joseph Bhoré :** No. I did not. I said in this particular case an application had been made under the Safeguarding of Industries Act and that the Government were carrying out a very careful examination of the case to enable them to be in possession of data to help them in the negotiations with Japan.

**Mr. Gaya Prasad Singh :** While the grass grows, the steed starves.

#### NOMINATION OF THE INDIAN ARMY SOLDIERS TO THE INDIAN MILITARY ACADEMY, DEHRA DUN.

627. **\*Mr. S. C. Mitra :** With reference to the communiqué issued by the Government of India, Army Department, dated the 12th July, 1933, regarding the nomination of the Indian Army soldiers to the Indian Military Academy, Dehra Dun, will Government please state the following :

- (i) how many of the nominated soldiers include the ' Y ' cadets and what are their names ;
- (ii) how many of these ' Y ' cadets are those who were enlisted by the Army Headquarters on the recommendation of the Army Interview Board in 1931, and what are their names and academic qualifications ;
- (iii) how many of the nominated ' Y ' cadets are those who were recruited by the Army Headquarters after the recommendations of the Army Interview Board in 1931 ;

- (iv) how much service each of the soldiers and the 'Y' cadets, respectively had put in the Army before his nomination, and what are his educational and other qualifications ;
- (v) how and by whom was each of the soldiers (other than 'Y' cadets) recruited ?

**Mr. G. B. F. Tottenham :** On the assumption that by 'Y' cadets the Honourable Member means those gentlemen who were offered special terms of enlistment in 1930 and 1931, the answers to the various parts of the question are as follows :

- (i) Four, Jemadar Kashinath Shriram Moghe, Jemadar Bakhtiar Mohammad Khan Rana, Jemadar Abdul Aziz and Lance Dafadar Gurkupal Singh.
- (ii) One, Lance Dafadar Gurkupal Singh. The remaining three were enlisted under special terms in 1930. The qualification required of all Indian Army Cadets is the possession of the Indian Army Special Certificate of Education.
- (iii) None.
- (iv) I lay a statement on the table giving the information desired by the Honourable Member. The qualification in each case is the possession of the Indian Army Special Certificate of Education.
- (v) In the ordinary way, that is, by the Recruiting Officer or the Unit Commander.

*Statement showing the service of certain soldiers and the 'Y' Cadets.*

| Name.                                | Service. |         |
|--------------------------------------|----------|---------|
|                                      | Years.   | Months. |
| Jemadar Kashinath Shriram Moghe      | 2        | 9       |
| Jemadar Bakhtiar Mohd. Khan Rana     | 2        | 10      |
| Jemadar Abdul Aziz .. ..             | 2        | 4       |
| L./Dafadar Gurkupal Singh .. ..      | 1        | 10      |
| <i>Others.</i>                       |          |         |
| L./Dafadar Abid Ali Akbar Khan .. .. | 2        | 5       |
| L./Dafadar Parduman Singh .. ..      | 3        | 2       |
| L./Naik Sawal Khan .. ..             | 1        | 11      |
| <i>(plus 5½ years non-enrolled).</i> |          |         |
| Jemadar Fateh Khan .. ..             | 4        | 2       |
| L./Naik Rahim Ullah .. ..            | 1        | 8       |
| Naik Ghulam Dastgir Khan .. ..       | 1        | 9       |
| L./Naik Mohd. Muzaffar Khan .. ..    | 3        | 3       |
| L./Naik Balbir Singh .. ..           | 2        | 1       |
| Naik Gurbans Singh .. ..             | 7        | 0       |
| L./Naik Parbhu Singh .. ..           | 4        | 0       |
| Havildar Shambhoo Sahai Sharma .. .. | *1       | 8       |
| Jemadar Damodar Narhar Thakur .. ..  | *7       | 7       |

\*I. T. F. Service.

NOMINATION OF THE INDIAN ARMY SOLDIERS TO THE INDIAN MILITARY ACADEMY, DEHRA DUN.

628. \***Mr. S. C. Mitra** : (a) Will Government be pleased to state whether at the time of sending up recommendations by the Officers Commanding of respective regiments any 'Y' cadet was working in any regiment from which the soldiers were sent up for nomination to the Indian Military Academy, Dehra Dun ?

(b) Is it a fact that a 'Y' cadet was working in a regiment and his name was not recommended ? If so, will Government please state the reason for doing so and for recommending a soldier in preference to a 'Y' cadet ?

(c) Are Government aware that almost every one of the 'Y' cadets has put in sufficient service to make him eligible for nomination, and he is not recommended for nomination because he is not going to be over age, while that recruited long afterwards by the Officer Commanding directly is recommended for nomination as he would become over age ?

(d) Are Government aware that there is a general discontentment among the parents of 'Y' cadets and the cadets themselves that the Officers Commanding of the regiments recommend those who have been recruited by them directly on the same terms as the 'Y' cadets and keep back those 'Y' cadets who were enlisted by the Army Headquarters in 1931 and after ?

(e) Do Government propose to reserve at least 80 per cent. of the nominations for those 'Y' cadets who were recruited by the Army Headquarters until all of them are absorbed ? If not, why not ?

**Mr. G. R. F. Tottenham** : (a) Yes.

(b) The answer to the first part of the question is in the affirmative. Presumably the Commanding Officer was satisfied that the ordinary soldier had a better claim than the so-called 'Y' cadet.

(c) Certainly not, Sir. Indian Army Cadets are selected entirely on their merits and it is only where the merits of two candidates are equal that the older of the two would be given preference.

(d) I must protest against the insinuation in this question that Commanding Officers are biassed against the so-called 'Y' cadets. They have been sending careful, sympathetic and quite unprejudiced reports about these young men. I have no reason to believe that the young men themselves are or have any reason to be discontented, but if they are, it is always open to them to leave the Army.

(e) No. The attention of the Honourable Member is invited to the answer which I gave on the 30th August, 1933, to part (g) of starred question No. 179.

**Captain Sher Muhammad Khan Gakhar** : What is the definition of 'Y' cadet.

**Mr. G. R. F. Tottenham** : As I attempted to explain the other day, 'Y' cadet is the term used in this country and applied to certain young men who went in for the open competitive examination for the Army, but failed to secure sufficiently high marks to get a place and

were then given the opportunity of getting into the Army by entering some regiment or other as sepoys and, thereafter, running their chance of securing cadetships at the Indian Military Academy as Indian Army cadets.

#### CONSTRUCTION OF QUARTERS IN NEW DELHI.

629. \***Mr. S. C. Mitra** : (a) Is it a fact that the Government of India have sanctioned the construction of about 600 quarters in New Delhi for the clerical establishment of the Secretariat and its Attached Offices ?

(b) How many quarters of each type are to be built and at what sites ?

(c) Is it a fact that tenders have already been received by the Chief Engineer, Delhi, for the works to be started in New Delhi ?

(d) Is it a fact that those tenders were called for without giving the specifications of the works ?

(e) Are Government aware that the tenants by their past experience feel that the 'D', 'C' and other types of the orthodox quarters of clerks are most unsuitable for occupation in summer ?

(f) Is it a fact that the tenants have on many occasions approached Government through their Associations for many alterations and changes in these quarters ?

(g) Do Government propose to ascertain through the Imperial Secretariat Association and other Service Associations what improvements or changes are required in 'D', 'C' and other types of orthodox quarters and then build the new quarters ? If not, why not ?

(h) Will Government be pleased to state whether any new quarters are being constructed at a site which has been used and reserved as dumping ground or in its close proximity ?

**Mr. A. G. Clow** : (a), (b), and (c) to (h). The Honourable Member is referred to the reply given to Mr. Bhuput Sing's question No. 133 on the 29th of last month.

(c) Yes.

(d) No. Full information with regard to the specifications of the works proposed was available in the Central Public Works Department for the tenderers and the position in this respect was explained in the notices calling for tenders.

**Sir Cowasji Jehangir** : May I ask, how many of these quarters will be vacated every hot weather ?

**Mr. A. G. Clow** : It depends upon the number of men staying in Delhi ?

**Sir Cowasji Jehangir** : Has that not been settled yet ?

**Mr. A. G. Clow** : No, not with respect to certain offices.

**Sir Cowasji Jehangir** : A certain number of these offices are vacated during the hot season.

**Mr. A. G. Clow** : It is probable that certain quarters will be left vacant in Delhi, but I cannot say definitely which particular quarters.

**Sir Cowasji Jehangir** : Have not Government taken into consideration the waste of money in building these quarters if they are going to be occupied only for four or five months ?

**Mr. A. G. Clow :** That is a question which might be addressed to the Honourable the Finance Member.

**Sir Cowasji Jehangir :** But the Honourable Member in charge of Industries and Labour initiates the proposal, is it not so ?

**Mr. A. Das :** Is it under the consideration of Government that there should be no exodus to Simla next year in view of the new quarters being built in Delhi ?

**The Honourable Sir Harry Haig :** I am not aware of any proposal in the terms stated by the Honourable Member.

**Mr. Lalchand Navalrai :** Does the Honourable Member know that newspapers have been publishing that there would be no exodus ?

**The Honourable Sir Harry Haig :** Papers are not always correct.

**Mr. A. Das :** Does the Honourable Member know that it has been published in the papers that the proposal is under consideration of His Excellency the Viceroy ?

**The Honourable Sir Harry Haig :** I am not very familiar with the case, but, as far as I know, the primary point to be decided in accordance with the recommendations of the Retrenchment Committee is whether certain Attached Offices, as a first step, should be left permanently in Delhi. That point, I understand, is under consideration.

**Mr. Gaya Prasad Singh :** Do I take it that this question of exodus will not be decided till the Federal Legislature is established ?

**The Honourable Sir Harry Haig :** I cannot make any statement on the subject.

#### RACIAL DISCRIMINATION IN THE CARRIAGE OF DOGS BY RAILWAY TRAINS BETWEEN SUMMER HILL AND SIMLA.

630. **\*Mr. S. C. Mitra :** (a) Is it a fact that on the 8th August, some Indian ladies were travelling from Summer Hill to Simla, with a dog and that they were asked to purchase a dog ticket by the Summer Hill station Staff and were asked by the Simla staff to present the dog ticket on their arrival at Simla ?

(b) Are Government aware that a European lady had two dogs in a first class compartment travelling by the same train and no dog ticket was asked for from her at Simla station ?

(c) Will Government be pleased to state the number of dogs belonging to Europeans that have been charged for between Summer Hill and Simla, and *vice versa* during the period 15th April to 15th August, 1933, and the number of dogs belonging to Indians that have been charged for during the same period ?

(d) Are Government aware that all these racial discriminations are going on only during the régime of the present Assistant Operating Officer, North Western Railway, Simla ? If not, do they propose to enquire into the matter ? If not, why not ?

**Mr. P. B. Rau :** (a), (b) and (c). The North Western Railway Administration reports that the number of dog tickets sold from Simla to Summer Hill and *vice versa* during the period 15th April to 15th August,

1933, is 13, and that the records show that one dog ticket was sold at Summer Hill on the 8th August, 1933, for Simla. From the names of the persons to whom tickets were issued, it appears likely that the number of tickets issued to Europeans was 10 and to Indians 3, but obviously it is difficult to judge nationality by names.

(d) The Administration reports that they are satisfied that no racial discrimination as is alleged is being shown.

#### NON-SALE OF MONTHLY TICKETS AT STATION BOOKING OFFICES ON THE KALKA SIMLA RAILWAY.

631. \***Mr. S. C. Mitra** : (a) Is it a fact that monthly tickets are always sold at the booking offices at railway stations over all railways ? If so, will Government be pleased to state the reasons why monthly tickets are not sold by the booking clerks of the Simla and Summer Hill stations ?

(b) Are Government aware that the present Assistant Operating Officer, North Western Railway, Simla, insists that the monthly tickets between Simla and other stations must be obtained from his office in spite of the requests from the public and the monthly ticket holders that arrangements should be made for the sale of such tickets at the station booking offices of Simla and all other stations ?

(c) Are Government aware that the present system is causing inconvenience to the daily passengers in so far that they are to present themselves personally on the expiring date of such monthly tickets at the Assistant Operating Officer's office, which is far away from the Simla station, or that they are to get such tickets through peons ?

(d) Are Government aware that even small school children are expected to go to Assistant Operating Officer's office for the purchase of monthly tickets ? If not, do they propose to enquire into the matter ?

(e) Will Government be pleased to state the reasons why the present Assistant Operating Officer, North Western Railway, Simla, should insist on the sale of monthly tickets through his office and not through the booking offices of Simla and other stations on the Kalka Simla Railway ?

**Mr. P. B. Rau** : Government have no information, but are sending a copy of the question to the Agent, North Western Railway, in order that he might take whatever steps are possible to remedy the inconvenience complained of.

#### PASSES FOR FREE CONVEYANCE OF ARMY HEADQUARTERS CLERKS BETWEEN SUMMER HILL AND SIMLA.

632. \***Mr. S. C. Mitra** : (a) Is it a fact that the Army Department, Government of India, issued passes to the clerks and other staff, working in the Army Headquarters buildings, for regulating their entry into those buildings by an office order ?

(b) Is it a fact that the inferior staff of the Army Headquarters and Army Department are also provided with such passes in accordance with the said office order ?

(c) Is it a fact that the personal servants of the staff working in the Army Headquarters are also provided with such passes according to the said office order ?



(d) If the answers to parts (a), (b) and (c) be in the affirmative, will Government be pleased to state whether under the said office order all the above mentioned passes entitle the holders to free conveyance between Summer Hill and Simla by the three III class bogies reserved in the clerks Special train running daily between the places? If not, are Government aware that all European clerks possessing such passes utilise them for travelling between Summer Hill and Simla? If not, do Government propose to enquire into the matter? If not, why not?

(e) Is it a fact that the said office order contained a clause which lays down that such of these buildings passes will be valid for travelling in the clerks Special, running between Summer Hill and Simla, which would be endorsed on the back by the branches of the Army Headquarters and the departments in the following form: "The holder of this pass is entitled to travel in the Army Headquarters clerks Special trains between Summer Hill and Simla"? If so, will Government be pleased to state the number of such passes endorsed by the departments and branches of the Army Headquarters up to 1st June last year and 1st June of current year?

(f) Is it a fact that Army Department also issued certain instructions to the Quartermaster General's Branch regarding the issue of free railway passes for the conveyance of military and civilian clerks residing in Government quarters?

(g) Is it a fact that a copy of such instructions was forwarded to the Assistant Operating Officer, North Western Railway, Simla? If so, will Government be pleased to state whether the present Assistant Operating Officer ever asked his staff to check the passes according to those instructions to see whether unauthorised persons as defined in the said instructions are travelling by the clerks Special train?

(h) Is it a fact that the said Army Department instructions lay down that the officer-in-charge of Summer Hill Camp must send a voucher in the first week of each month to the Assistant Operating Officer, North Western Railway, Simla, in a certain specified form certifying amongst other things that no one except such Army Headquarters clerks as are entitled to free conveyance travelled by the portion of the train the cost of which is borne by military estimates?

(i) Will Government be pleased to state the number of such monthly vouchers received by the present Assistant Operating Officer, North Western Railway, Simla, during the last 12 months from 1st July, 1932?

**Mr. G. R. F. Tottenham :** (a), (b) and (c). Yes.

(d) The reply to the first portion is in the negative.

Government are not aware that any clerks except those whose passes entitle them to do so are allowed to travel free by the Special train. They do not consider that any useful purpose would be served by instituting an enquiry into the matter.

(e) The reply to the first portion is in the affirmative.

As regards the latter portion, a statement is laid on the table.

(f) Yes.

(g) The reply to the first portion is in the affirmative.

Daily checks are made, and surprise checks have been organised at both Simla and Summer Hill stations.

(h) Yes.

(i) Twelve.

*Statement.*

| Office.                                    | Number of passes endorsed up to |                |
|--|---------------------------------|----------------|
|  | 1st June 1932.                  | 1st June 1933. |
| G. S. Branch ..                            | Information not available       | 30             |
| A. G.'s Branch .. .. .                     | 13                              | 14             |
| Q. M. G.'s Branch .. .. .                  | 12                              | 11             |
| M. G. O. Branch .. .. .                    | 3                               | 4              |
| E.-in-C.'s Branch .. .. .                  | 4                               | 2              |
| M. S. Branch .. .. .                       | 4                               | 5              |
| Medical Directorate .. .. .                | 1                               | 2              |
| A. M. S. (P) to H. E. the C.-in-C. .. .. . | 2                               | 1              |
| Judge Advocate General .. .. .             |                                 | ..             |
| Director of Contracts .. .. .              | ..                              | 1              |
| A. D. O. S. (P) .. .. .                    | 2                               | 1              |
| B. A. F. Headquarters .. .. .              | 3                               | 2              |
| Total .. .. .                              | 44                              | 73             |

NOTE.—In addition to the above, 12 passes for children of Military technical clerks were issued last year and this year.

TRAVELLING OF UNAUTHORISED PERSONS BY THE SPECIAL TRAIN, RUNNING BETWEEN SUMMER HILL AND SIMLA.

633. \*Mr. S. C. Mitra : (a) Is it a fact that only clerks belonging to the following offices, namely, offices of the Military Secretary, Chief of the General Staff, Adjutant General, including Medical Directorate and Judge Advocate General, Quartermaster General, Master General Supply, Royal Air Force, Engineer-in-Chief, and Assistant Military Secretary (Personal), are entitled to travel by the clerks Special train between Summer Hill and Simla under the Army Department instructions issued to Quartermaster General's Office for regulating the issue of free railway passes between Summer Hill and Simla ?

(b) Is it a fact that the said Army Department instructions clearly lay down that such clerks of the Army Headquarters belonging to the offices named in the said instructions who are living only in Government

quarters in Summer Hill are entitled to get their passes endorsed by their respective offices in the form shown in the Army Department security office order ?

(c) Will Government be pleased to state how many of such passes belonging to the clerks of Army Headquarters and departments living in private houses in Summer Hill have been endorsed by the offices mentioned in the said Army Department instructions during the present year up to 1st July, 1933 ? Will they also be pleased to state the reasons why passes of persons not entitled to them were endorsed ?

(d) Are Government aware that a large number of European clerks living in Government quarters but belonging to Military Accountant General and other offices not mentioned in the said Army Department instructions and large number of European clerks living in private houses in Summer Hill are travelling daily, free of cost, in those Army Department bogies attached to that train ?

(e) Is it a fact that the Army Department instructions mentioned above lay down clearly that such unauthorised persons should not be allowed to travel in those bogies paid from military estimates ? If so, do Government propose to enquire and to state the number of such unauthorised persons who travelled daily by the clerks Special between Summer Hill and Simla without payment during the current year ?

(f) Are Government aware that a large number of European clerks, unauthorised, are travelling daily in those bogies paid from military estimates with the help of the Army Headquarters building passes without any endorsement on the back of such passes ?

(g) Will Government be pleased to state how the officer in charge of Summer Hill Camp is certifying the monthly vouchers in the manner prescribed in the said Army Department instructions which he is supposed to send to the Assistant Operating Officer, North Western Railway, Simla ?

(h) Will Government be pleased to state what arrangements the Railway Department, especially the Assistant Operating Officer, North Western Railway, Simla, has so far made for checking such frauds during all these years ? If no steps have been taken by the Assistant Operating Officer, is it a fact that such frauds were going on with his knowledge during his régime ? If not, will Government be pleased to state the reasons how such frauds are being allowed to be perpetrated only by the European clerks ?

**Mr. G. R. F. Tottenham :** (a) and (b). Yes.

(c) Five passes were issued to non-entitled persons this year owing to a misunderstanding of the orders. These have since been cancelled.

(d) No.

(e) The reply to the first portion is in the affirmative. Government are not aware that any unauthorised persons other than the five mentioned above have been travelling in the bogies referred to without tickets or passes.

(f) The answer is in the negative.

(g) The certificate is furnished by the Officer-in-charge, Summer Hill Camp, in the manner prescribed by the Government orders.

(h) A ticket collector has been deputed to travel by this Special train daily. Orders are also issued periodically for surprise checks to be made by the checking staff. The Railway Administration are satisfied that no fraud has been perpetrated. The rest of the question therefore does not arise.

**REFUSAL TO ALLOW ARMY HEADQUARTERS INDIAN CLERKS LIVING IN PRIVATE HOUSES TO TRAVEL BY THE SPECIAL TRAIN RUNNING BETWEEN SUMMER HILL AND SIMLA.**

634. **\*Mr. S. C. Mitra :** Is it a fact that Indian clerks living in private houses but working in Army Headquarters offices mentioned in the Army Department instructions to the Quartermaster General and Indian clerks living in Government quarters but working in the office of the Military Accountant General, Army Department, and other Army Headquarters offices not mentioned in the Army Department instructions to the Quartermaster General, are not allowed to travel free by the Sergeant-in-charge of Summer Hill Camp in those bogies paid from military estimates attached to the clerks Special train ?

**Mr. G. B. F. Tottenham :** Yes.

**TRAVELLING OF CHILDREN OF EUROPEAN CLERKS BY THE SPECIAL TRAIN RUNNING BETWEEN SUMMER HILL AND SIMLA.**

635. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the number of Army Headquarters clerks living in Summer Hill quarters who are entitled to get free Railway passes for their own children going to schools in Simla ?

(b) Will Government be pleased to state whether all European school-going children of European clerks living in Summer Hill are entitled to travel free between Summer Hill and Simla in those compartments paid from military estimates attached to the clerks Special train ?

(c) Are Government aware that the school-going children of all European clerks living in Summer Hill either in Government or in private houses do travel free between Summer Hill and Simla in the compartments paid from military estimates ? If not, do they propose to enquire into the matter ? If not, why not ?

(d) Will Government be pleased to state the number of monthly tickets and monthly railway passes other than the Army Headquarters passes that have been issued to persons including children travelling daily between Jutogh, Summer Hill and Simla ?

**Mr. P. B. Rau :** (a) Thirteen, of whom, however, only six send their children to schools in Simla.

(b) No, only the school-going children of Military Technical clerks serving in Army Headquarters are entitled to travel free by the Special between Summer Hill and Simla.

(c) The North Western Railway Administration reports that they are satisfied that only those children who are entitled to travel free are allowed to do so.

(d) Government are informed that during the period 1st April to 29th August, 1933, the following monthly season tickets have been issued :

|   |     |
|---|-----|
| (1) Between Simla and Sunner Hill .. ..   | 213 |
| (2) Between Simla and Jutogh .. ..  | 6   |
| (3) Suburban tickets for railway employees between<br>Simla and Summer Hill .. .. | 8   |

#### RATIO OF BENGAL AND PUNJAB MUSLIMS TO THE MUSLIM POPULATION OF INDIA.

636. \*Mr. S. C. Mitra : (a) Will Government be pleased to state the ratio that the total Bengal Muslims bear to the total Muslim population of the whole of India ?

(b) Will Government be pleased to state the ratio that the Punjab Muslims bear to the total Muslim population of the whole of India ?

(c) Has the attention of Government been drawn to the article headed "Grievances of Bengal Muslims" published in the *Star of India*, dated July 26, 1933 ?

**The Honourable Sir Harry Haig :** (a) and (b). According to the last census, the ratios are about 35 per cent. and 17 per cent., respectively.

(c) Yes.

#### MUSLIMS OF BENGAL, PUNJAB AND OTHER PROVINCES IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

637. \*Mr. S. C. Mitra : (a) Will Government be pleased to state separately the number of Bengal Muslims, the Punjab Muslims and Muslims of other provinces occupying now the posts of superior officers in each of the Government of India Departments and Attached Offices showing the names of departments and offices since the creation of the Public Service Commission, and their number before the creation of that office ?

(b) Will Government be pleased to lay on the table of this House a statement showing separately the number of Bengal Muslims, Punjab Muslims and Muslims of all other provinces taken together, occupying the posts of Superintendent in each of the different departments of the Government of India and Attached Offices, and the names of departments and offices since the creation of the Public Service Commission, and their number prior to the creation of that office ?

(c) Will Government be pleased to state separately the number of Bengal Muslims, Punjab Muslims and Muslims of all other provinces taken together occupying the posts of Assistants in the upper time-scale and Assistants of the First Division in each of the different departments of the Government of India, showing the names of departments, since the creation of the Public Service Commission and their number prior to the creation of that office ?

(d) Will Government be pleased to place on the table of this House a statement showing separately the number of the Bengal Muslims, the Punjab Muslims and Muslims of all other provinces taken together, occupying the posts of Second and Third Division clerks in each of the Government of India Departments, showing the names of the depart-

ments, since the creation of the Public Service Commission and their number prior to the creation of that office ?

(e) Will Government be pleased to lay on the table of this House a statement showing separately the number of Bengal Muslims, Punjab Muslims and Muslims of all other provinces taken together occupying the posts of First Division Assistants and Second and Third Division clerks in each of the different attached offices of the Government of India, showing the name of each of such offices, since the creation of the Public Service Commission and prior to the creation of that office ?

(f) Will Government be pleased to state the percentage of increase of Bengal Muslims in each of the categories of the posts mentioned above since the creation of the Public Service Commission ?

(g) Do Government propose to instruct the Public Service Commission to recruit a larger number of Bengal Muslim graduates in all posts reserved for Muslim representation according to the ratio the total Bengal Muslim population bears to the total Muslim population of the whole of India ? If not, why not ?

**The Honourable Sir Harry Haig :** As explained in reply to parts (c) and (d) of the Honourable Member's question No. 409, on the 16th September, 1931, Government have not undertaken to secure representation for provinces, either generally or in terms of particular communities. Muslim candidates from Bengal have equal opportunities with those from other provinces of securing employment in the posts in question and no special action is therefore necessary in regard to them. This being the case, I do not think any useful purpose would be served by the collection of the statistics asked for, which are not readily available.

**PRESENT STATE OF HEALTH OF BENOYENDRA NATH ROY CHAUDHURY, A STATE PRISONER IN THE RAJAHMUNDRY JAIL.**

638. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the present state of health of Benoyendra Nath Roy Chaudhury, who is a State Prisoner under Regulation III of 1818 and is detained in Rajahmundry jail ?

(b) Are Government aware that, in spite of several letters from his relations, no reply has been obtained from Rajahmundry jail since November last about the health of the State Prisoner, or any correspondence from him ?

(c) Is it a fact that when he was examined at Madras by the Civil Surgeon, he was told that he was suffering from complete nervous breakdown and might die at any moment ?

(d) What steps have been taken by Government since then for his treatment ?

**The Honourable Sir Harry Haig :** (a), (c) and (d). I would refer the Honourable Member to part (a) of my reply to his question No. 259 which was asked on the 31st August last. He will observe that in the opinion of the Medical Board the State prisoner is suffering from neurasthenia.

(b) No. On the contrary I understand that a letter of the 11th July, 1933, regarding the health of the State Prisoner was received by his wife from the Superintendent of the Rajahmundry Central Jail.

PETITION FOR THE TRANSFER OF MR. MAHENDRA NATH ROY FROM THE DEOLI DETENTION CAMP TO CALCUTTA.

639. \*Mr. S. C. Mitra : (a) Is it a fact that one, Mr. Mahendra Nath Roy, was arrested under the Bengal Ordinance on March 11th, 1931 ? Is it a fact that he is now detained in the Deoli Camp ?

(b) Is it a fact that the detenu had a bone near the eye dislocated and had developed a swelled face as a result of an accident during a hockey match ?

(c) Is it a fact that he was X-rayed by medical authorities of the Ajmer Hospital and they advised an operation ?

(d) Is it a fact that this news was conveyed to the father of the detenu ?

(e) Is it a fact that the father of the detenu petitioned the Government of India for the removal of the detenu to the Calcutta Medical College Hospital for the operation ?

(f) Will Government be pleased to state whether the petition was granted by them ? If not, why not ?

The Honourable Sir Harry Haig : (a) Mr. Mahendra Nath was arrested in Bengal under the Bengal Criminal Law Amendment Act and is now detained at Deoli.

(b) and (c). X-Ray examination at the Ajmer Hospital showed that the left molar bone was fractured. There was slight swelling on the face. An operation was not considered necessary.

(d) The detenu may have informed his father.

(e) The Government of India have received no such petition.

(f) Does not arise.

MALTREATMENT OF MR. KESHAVA CHANDRA GUPTA, A POLITICAL PRISONER.

640. \*Mr. S. C. Mitra : (a) Is it a fact that one, Mr. Keshava Chandra Gupta, a political prisoner, was convicted in a political case ? Is it also a fact that after conviction he was imprisoned in the Ajmer central prison as a ' B ' class prisoner ?

(b) Is it a fact that the said Mr. Gupta has since been transferred to the Sabarmati central prison ? If so, is it a fact that on transfer he was placed in ' C ' class ? If so, will Government be pleased to state the reasons for transferring a prisoner from ' B ' class to ' C ', and under whose direction the said prisoner was transferred to ' C ' class ?

(c) Are Government aware that the said prisoner is being maltreated and tyrannized in the Sabarmati prison after conviction ? If not, do Government propose to enquire into the matter ? If not, why not ?

Mr. B. J. Glancy : (a) Keshav Chander Gupta was sentenced in July, 1932, to two years' rigorous imprisonment for refusal to furnish security in section 110 proceedings and placed in ' B ' class in Ajmer jail.

(b) Yes, he was transferred to Sabarmati prison but is now in Nasik prison and is still in ' B ' class.

(c) Does not arise.

ALLEGATION AGAINST THE ASSISTANT STATION MASTER, SIMLA.

641. \*Mr. K. P. Thampan : Are Government aware that the Assistant Station Master, Simla, neither charged one Mr. Dunett of the office of the A. M. S. P. to His Excellency the Commander-in-Chief and his servant on the 30th June last at the Summer Hill Station, nor prosecuted them for not having tickets with them but allowed them to pass without tickets in the presence of several passengers at the Summer Hill Station platform ? If not, do they propose to enquire into the matter ? If not, why not ?

Mr. P. B. Rau : Enquiries have been made from the North Western Railway Administration who report that they have no knowledge of the incident alleged.

RACIAL DISCRIMINATION IN CHARGING FARES FROM PASSENGERS BY THE NORTH WESTERN RAILWAY STAFF.

642. \*Mr. K. P. Thampan : (a) Are Government aware that two Indian passengers who got into a second class compartment at Summer Hill Station with intermediate class monthly tickets by the 1 Up Mail on the 23rd May, 1933, were charged the difference of fare and penalty ? If not, do they propose to enquire into the matter ?

(b) Are Government aware that a European was also found in the same second class compartment by the same ticket checker in the same train on the same date with an inter class ticket, and that that European was charged only the difference of fare and not the penalty ? If not, do they propose to enquire into the matter and state the reasons for this racial discrimination by the North Western Railway staff ?

Mr. P. B. Rau : I am informed that the penalty in addition to the fare was imposed in the first case because these passengers had failed to inform the Station Master or the Guard that owing to lack of accommodation they were travelling in a class higher than that for which they held tickets, and it was not imposed in the second case because the passenger had informed the Station Master.

There was no racial discrimination involved and the procedure in each case was according to the rules on the subject.

RACIAL DISCRIMINATION IN THE CARRIAGE OF DOGS BY RAILWAY TRAINS BETWEEN SUMMER HILL AND SIMLA.

643. \*Mr. K. P. Thampan : (a) Are Government aware that in June last an Indian passenger was asked to pay for the carriage of his dog from Summer Hill to Simla by the clerks Special and he paid ?

(b) Are Government also aware that, when the attention of the railway staff concerned was drawn to a dozen other dogs conveyed by European clerks by the same train, no action was taken by the railway staff ? If not, do Government propose to enquire into the matter ? If not, why not ?

(c) Are Government aware that when the matter was reported to the Assistant Operating Officer, Simla, he shielded his own staff and encouraged the racial discrimination by his staff ?

Mr. P. B. Rau : (a) I understand that on the 16th June a passenger was charged for one dog from Simla to Summer Hill.



(b) The information obtained by the North Western Railway is that there was no such occurrence. Dogs are always paid for when carried by the Special.

(c) The Administration reports that full enquiries were instituted into this matter but no corroboration of the charge against the staff could be obtained.

**APPOINTMENT OF AN INDIAN AS DIRECTOR GENERAL, INDIAN MEDICAL SERVICE, OR AS PUBLIC HEALTH COMMISSIONER IN INDIA.**

**644. \*Mr. Jagan Nath Aggarwal :** With reference to question No. 1173 asked by Mr. Gaya Prasad Singh on the 10th of April, 1933, and the reply thereto by Mr. G. S. Bajpai, will Government be pleased to state if any such orders with regard to the appointment of an Indian as the Director General, Indian Medical Service, or as the Public Health Commissioner in India were passed or contemplated by any authority other than the Government of India ? If no such order was passed or contemplated, do Government now propose to pass such orders or to adopt such a convention ?

**Mr. G. S. Bajpai :** The answer to the first part is in the negative. Government do not consider it necessary to issue such orders as claims of suitable senior Indian Officers of the Indian Medical Service are always given due consideration at the time of making appointments.

**Mr. B. Das :** Am I to understand that at present there are no Indian senior officers to be Inspector General ?

**Mr. G. S. Bajpai :** The question does not relate to the post of Inspector General, but relates to the post of Public Health Commissioner with the Government of India.

**Mr. B. Das :** Am I to understand that there are no Indian senior medical officers to be Public Health Commissioners ?

**Mr. G. S. Bajpai :** I would not go so far as to say that there is no Indian senior officer, but all that I would say is that, on a comparison of the qualifications, we came to the conclusion that no equally suitable Indian officer was available for the purpose.

**Mr. B. Das :** Is it only a question of qualifications or does the Honourable Member's Department adopt also racial discrimination in the matter ?

**Mr. G. S. Bajpai :** My Honourable friend has no justification for suggesting that mine or any other Department of Government adopt a policy of racial discrimination.

**Mr. B. Das :** Is it not the practice of the Honourable Member's Department to follow that policy, the only exception being that when the Honourable the Leader of the House was acting as the Secretary of the Department, two Indian gentlemen were appointed to high offices in the Indian Medical Service ?

**Mr. G. S. Bajpai :** As a matter of fact, if my Honourable friend had been in this country recently, he would have appreciated the fact that when the Deputy Director General of the Indian Medical Service proceeded on leave for the first time in the history of the Government of India, this Department appointed an Indian to act in his place.

**Mr. Lalchand Navalrai :** May I know if in making this selection, only qualifications, i.e., degrees, are considered or experience about the health of the Indian people is also considered ?

**Mr. G. S. Bajpai :** As a matter of fact, every relevant consideration is taken into account before Government come to a decision.

APPOINTMENT OF AN INDIAN AS DIRECTOR GENERAL, INDIAN MEDICAL SERVICE, OR AS PUBLIC HEALTH COMMISSIONER IN INDIA.

645. **\*Mr. Jagan Nath Aggarwal :** Will Government be pleased to state if any appointment of a Public Health Commissioner has been made by them in succession to the present holder of that appointment ? If so, were the claims of qualified Indians considered in that connection ?

**Mr. G. S. Bajpai :** Yes.

**Mr. Jagan Nath Agarwal :** What was the harm in giving the name of the person who has been appointed ?

**Mr. G. S. Bajpai :** My Honourable friend did not ask me to indicate the name of the officer, but I can do so now ; he is Lieutenant-Colonel Russell.

**Mr. Lalchand Navalrai :** Was there no Indian available for it ?

**Mr. G. S. Bajpai :** In dealing with the preceding question, I explained the position of Government. We considered the claims of all officers who were eligible for the post, and we came to the conclusion that Colonel Russell was the best qualified.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state the names of the officers whose claims were considered along with Colonel Russell ?

**Mr. G. S. Bajpai :** I could not say off-hand the name of every individual, but at least half a dozen names were considered.

**Mr. Gaya Prasad Singh :** Is it the considered opinion of Government that, during the time this office has been in existence, there was not a suitable Indian available for holding this appointment ?

**Mr. G. S. Bajpai :** My Honourable friend will appreciate the fact that it is not possible for me off-hand to state whether, during the last many years for which the post has been in existence, Government considered the names of Indian officers. But what he would recognise is that it is only during the last few years that the number of Indian officers in the Indian Medical Service has reached sufficient proportions to enable Government to consider the claims for senior appointment of these officers. The post of Public Health Commissioner goes to a very senior officer of the Indian Medical Service and the number of Indian officers eligible for the post is very small indeed.

**Mr. Gaya Prasad Singh :** Do Government realise that this answer is not very complimentary to Government themselves with regard to the encouragement which they are giving to Indian officers ?

**Mr. G. S. Bajpai :** I do not really think that I have said anything which would lead anybody to conclude that Government's policy in this matter has been anything but what it should be.

**Mr. Gaya Prasad Singh :** Do Government realise that there is a general impression that Government's policy in this matter is dictated more by racial considerations than by considerations of real merit ?

**Mr. G. S. Bajpai :** If my Honourable friend chooses to be under an impression which is not borne out by facts, it is not for me to dispel that impression.

**Mr. Lalchand Navalrai :** May I know if there is any Indian who is senior to this officer and who has been superseded ?

**Mr. G. S. Bajpai :** No, Sir.

**Mr. S. C. Mitra :** Do Government also consider this question that with the retirement of these Europeans, India is deprived of their experience while, if an Indian is appointed, India can always derive profit from their experience, because they live in India after retirement ?

**Mr. G. S. Bajpai :** I should like to explain for the information of my Honourable friend as well as of the House that there is absolutely no question of the Government of India not appreciating the desirability of appointing Indians to these and other offices. But what I do wish Honourable Members to recognise is that, considering the limitations to which appointments in a service are subject, one cannot choose an Indian officer with, say, six years' service, merely because he is an Indian, for a post which is ordinarily given to an officer with over 20 years' service.

#### CENSORSHIP OF CINEMATOGRAPH FILMS.

646. **\*Mr. Jagan Nath Aggarwal :** (a) Has the attention of Government been drawn to the various cinema films, passed by the Censor, to which objection has been taken by religious bodies, both Hindu and Muslim, on the ground that they offended their religious susceptibilities or that they portrayed religious personages in an objectionable manner ?

(b) Do Government propose to consider the desirability of taking action to prevent objectionable films passing the Censor and creating an alarm in the public mind ?

**The Honourable Sir Harry Haig :** (a) The Government of India recently received a representation on the subject from a Hindu Association and are enquiring into the matter.

(b) I would refer the Honourable Member to the reply, I gave on the 4th September, 1933, to Shaikh Sadiq Hasan's question No. 484.

#### FIRMS MANUFACTURING PLAYING CARDS IN INDIA.

647. **\*Mr. Jagan Nath Aggarwal :** (a) Are Government aware that some private firms are manufacturing playing cards in British India and have turned out cards of very good quality ?

(b) Are Government aware that the duty on card-board imported for manufacture of these cards is no less than 33 per cent., whereas the duty on imported playing cards is only 50 per cent. ?

(c) Are Government aware that Japanese playing cards have been dumped into the Indian market during the last year or so and there is a serious danger of this nascent industry being crippled if not entirely killed ?

(d) Are Government prepared to consider the desirability of raising the duty on imported playing cards to at least 75 per cent., as has been done in the case of textiles ?

(e) Do Government propose to keep this matter in view when negotiations are opened with the representatives of the Japanese Government regarding a Trade Agreement ?

**The Honourable Sir Joseph Bhore :** (a), (b), (c) and (d). The Honourable Member is referred to my answer to a similar question No. 626 by Mr. S. C. Mitra.

(e) Yes.

**Mr. Lalchand Navalrai :** May I know what that answer was ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The answer was just read out a few minutes ago and the Honourable Member cannot ask it to be repeated.

#### JUDICIAL OFFICERS IN THE DELHI PROVINCE.

648. **\*Mr. Jagan Nath Aggarwal :** (a) Are Government aware of the fact that the members of the Judiciary of the Delhi Province are generally taken on deputation from the cadre of the Punjab Civil Service ?

(b) Is it not a fact that the Punjab Government have got standing rules and instructions that the period of stay of such judicial officers in one station ordinarily should not exceed three years ?

(c) Are Government aware that there have been some glaring departures in the case of some judicial officers on the Executive side, i.e., Extra Assistant Commissioner in the Province of Delhi ?

(d) Is it not a fact that the Tehsildar of Delhi has been posted in Delhi for practically the past eight years ?

(e) Is it also not a fact that some stipendiary magistrates in Delhi have been posted there for more than five years ? If so, what are the special reasons for that ?

(f) Has not the rule of three years almost invariably been followed in the case of the members of the judicial branch of the service, i.e., Sub-Judges ?

(g) Do Government propose to scrutinize each such individual case and issue instructions accordingly ?

**The Honourable Sir Harry Haig :** (a) Yes.

(b) I understand the position is as stated by the Honourable Member.

(c) Instructions similar to those in the Punjab have not been issued by the Delhi Administration. The question of departure from the instructions does not therefore arise.

(d) Yes. The Tahsildar was appointed in January, 1926.

(e) No.

(f) I am informed that postings and transfers of Sub-Judges are made by the Lahore High Court.

(g) Although the rule of three years is not in force in Delhi, I would assure the Honourable Member that each case in which an officer is retained in Delhi for more than three years receives the full attention of the Delhi

Administration, and I do not consider that there are sufficient reasons for interfering with the discretion of that Administration in this matter.

**Mr. Jagan Nath Agarwal :** Does not the Honourable Member think that he should look into the matter rather than leave it to the Delhi Administration ?

**The Honourable Sir Harry Haig :** No : the Government of India have a great many duties of their own to perform, and I do not think it reasonable to ask them to perform these in addition.

**Mr. Jagan Nath Agarwal :** Is it lack of time and nothing else that stands in their way ?

**The Honourable Sir Harry Haig :** No : I think it is a principle of administration.

**Mr. Lalchand Navalrai :** May I know why this Tahsildar has been kept for such a long time in Delhi ? Is it for political reasons or for some other reasons ?

**The Honourable Sir Harry Haig :** I imagine it is because it is felt that it is in the public interests to do so.

#### POSTING OF JUDICIAL AND POLICE GAZETTED OFFICERS TO THEIR HOME DISTRICTS.

649. **\*Mr. Jagan Nath Aggarwal :** (a) Are Government aware that except under very extraordinary circumstances, no officer, especially Judicial and Police Officers of the gazetted rank, is allowed to be posted in his own home ? If not, do Government propose to consider the expediency of this rule and issue instructions accordingly ?

(b) Will Government be pleased to lay on the table a statement showing the cases, with reasons, where departure was made in the case of officers posted in the province of Delhi during the last twelve years ?

**The Honourable Sir Harry Haig :** (a) I have no information whether there is any such rule in force generally. Government do not propose to issue instructions in the matter.

(b) There is no such rule in force in the Delhi Province and the question of obtaining the information desired by the Honourable Member does not therefore arise.

**Mr. Jagan Nath Aggarwal :** Does not this reason come under the general principle of desirability in the public interest ?

**The Honourable Sir Harry Haig :** I do not think there is any general rule in force, but, in the special case of Delhi, I would ask the Honourable Member to reflect that if such a rule were made, it would be impossible for any inhabitant of the Delhi Province ever to serve under his own provincial administration.

#### APPOINTMENT OF PRESIDENTS AND MEMBERS OF THE TARIFF BOARD FROM PROVINCES OTHER THAN BOMBAY.

650. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Will Government be pleased to state the number of official and non-official presidents and members of the Tariff Board, since its formation, and the percentage of Bombay men recruited to such posts ?

(b) Do Government propose to take steps for the recruitment of men of other provinces in the future Tariff Boards ?

(c) Are Government aware that there are as good businessmen and economists in other provinces as in Bombay ? If not, have Government ever enquired from Local Governments for such men for the posts of presidents and members of the Tariff Boards when formed ?

**The Honourable Sir Joseph Bhore :** (a) I lay on the table a statement showing the name, province and period of service of each person who has served as President or as member of the Tariff Board. Only one Bombay man has been President of the Board. He held the post in an officiating capacity only for 6½ months, his period of service being 5 per cent. of the total service of all Presidents. Two Bombay men have served as members of the Boards, their combined service expressed as a percentage of the total service of all members being 20 per cent.

(b) Does not arise.

(c) The reply to the first part is in the affirmative. The second part does not arise.

*Statement showing names, provinces of origin and periods of service of Presidents and Members of the Tariff Board.*

| Names.   | Province.            | Period of Service. |         |       |
|--|----------------------|--------------------|---------|-------|
|  |                      | Years.             | Months. | Days. |
| <i>Presidents.</i>                               |                      |                    |         |       |
| Sir George Rainy (Official) .. ..                | Bihar and Orissa ..  | 2                  | 9       | 10    |
| Sir Padamji Ginwala (Non-Official) ..            | Burma .. ..          | 3                  | 5       | 6     |
| Mr. A. E. Matthias (Official) .. ..              | Central Provinces .. | 1                  | 6       | 19    |
| Dr. John Matthai (Official) .. ..                | Madras .. ..         | 1                  | 8       | 5     |
| Mr. F. I. Rahimtoola (Non-Official) (Offg.)      | Bombay .. ..         | 0                  | 6       | 17    |
| Sir Frank Noyce (Official) .. ..                 | Madras .. ..         | 0                  | 7       | 21    |
| <i>Members.</i>                                  |                      |                    |         |       |
| Sir Padamji Ginwala (Non-Official) ..            | Burma .. ..          | 2                  | 9       | 9     |
| Mr. V. C. Kale (Non-Official) .. ..              | Bombay .. ..         | 1                  | 11      | 22    |
| Dr. John Matthai (Official) .. ..                | Madras .. ..         | 5                  | 9       | 15    |
| Sir Frank Noyce (Official) .. ..                 | Madras .. ..         | 0                  | 1       | 21    |
| Mr. A. E. Mathias (Official) .. ..               | Central Provinces .. | 3                  | 3       | 15    |
| Mr. F. I. Rahimtoola (Non-Official) ..           | Bombay .. ..         | 2                  | 0       | 15    |
| Mr. C. T. Boag (Official) .. ..                  | Madras .. ..         | 2                  | 1       | 13    |
| Mr. H. R. Batheja (Official) .. ..               | Bihar and Orissa ..  | 0                  | 5       | 4     |
| Rai Bahadur Pt. Hari Kishen Kaul (Non-Official). | Punjab .. ..         | 0                  | 6       | 21    |
| Mr. N. S. Subba Rao (Non-Official) ..            | Mysore .. ..         | 0                  | 6       | 21    |

\* Up to 1st August, 1933.

**Mr. H. P. Mody :** Are Government aware that Bombay will have no objection if, by way of a change, other provinces are allowed to get jobs on the Tariff Board and Bombay is occasionally allowed to creep into the Executive Council of the Governor General ? (Laughter.)

**Mr. Lalchand Navalrai :** May I know whether this Tariff Board is likely to continue very long ?

**The Honourable Sir Joseph Bhore :** As I think my Honourable friend knows, the Tariff Board has remitted to it for consideration the subject of the iron and steel industry ; and it will remain in existence certainly as long as it is necessary for the Board to conduct its inquiry into that particular matter. Beyond that I cannot say.

**Mr. Lalchand Navalrai :** Can the Honourable Member say what period that is likely to take ?

**The Honourable Sir Joseph Bhore :** I certainly cannot give my Honourable friend any information on the point : but they will certainly be in existence until they finish their report : it may be six or seven months, I do not know.

**Mr. H. P. Mody :** With reference to this answer, do I understand that there are no other applications besides the one which will be considered by the Tariff Board next month ?

**The Honourable Sir Joseph Bhore :** I must have notice of that question ; but, as far as my recollection serves me, there is no application at the present moment which it is intended to refer to the Tariff Board.

**Mr. Amar Nath Dutt :** In view of the fact that one of the biggest concerns for which the Tariff Board exists lies in Bihar and Orissa, was any gentleman of Bihar and Orissa ever nominated to the Tariff Board ?

**The Honourable Sir Joseph Bhore :** That, I am afraid, is not the principle upon which members are chosen for appointment to the Tariff Board.

**Mr. B. Das :** Do Government refer every application to the Tariff Board or do they sort out spurious applications from Indian industrialists and refer only those industries which really need protection in the opinion of Government ?

**The Honourable Sir Joseph Bhore :** My Honourable friend is quite right.

**Mr. Amar Nath Dutt :** Were the claims of those in the Retrenchment Committee of the Stores Department considered when making such appointments ?

**The Honourable Sir Joseph Bhore :** I can only say to the House that all suitable names were considered before appointments were made.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state the reasons for this double scrutiny, once by the Government of India and then by the Tariff Board ?

**The Honourable Sir Joseph Bhore :** Obviously it is no use referring to the Board the case of an industry which *prima facie* can be disposed of at once.

**Mr. Gaya Prasad Singh :** Will Government consider seriously the representations coming from the Bombay millowners before referring them to the Tariff Board in future ?

**The Honourable Sir Joseph Bhore :** I can assure my Honourable friend that they are most carefully scrutinised.

ANÆSTHETIST IN THE RIPON HOSPITAL, SIMLA.

651. **\*Mr. S. C. Mitra** (on behalf of Mr. Bhuput Sing) : (a) Is it a fact that the anæsthetist in the Ripon Hospital, who helps in the operations performed on the Government of India staff and their relations, is only a compounder ? If not, what are his medical qualifications and degrees for which he is entrusted with such an onerous duty on which depends the life and death of persons ?

(b) Will Government be pleased to state the charges prescribed by the Civil Surgeon in charge of the Ripon Hospital for the said anæsthetist for helping in the operations performed on the Government of India staff and their relations ?

(c) Are Government aware that the Civil Surgeon in charge of the Ripon Hospital, whenever he is sent for by the Indian officers, advises them to go to hospital and at times threatens to report them to their superiors as his valuable time is wasted for not getting any fees from them ? If not, do they propose to enquire into the matter ? If not, why not ?

**Mr. G. S. Bajpai :** (a) The answer to the first part is in the affirmative. The second part does not arise.

(b) No charges are levied from Government servants. A copy of the Ripon Hospital Rules showing the fees charged from non-entitled patients, including relatives of Government servants, was placed in the Library of the House with reference to the Honourable Member's question No. 146.

(c) Government have received no such complaint and do not, therefore, propose to make any enquiry.

RECRUITMENT OF MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA  
SECRETARIAT AND ATTACHED OFFICES.

652. **\*Mr. S. C. Mitra :** (a) Is it a fact that the recruitment of a portion of the ministerial establishment of the Government of India departments and attached offices is being done by the Public Service Commission ? If so, is it a fact that the recruitment for certain posts of ministerial establishment has been kept outside the scope of the Public Service Commission on the ground that men are required to fill posts requiring technical skill ?

(b) Will Government be pleased to state whether men recruited on technical grounds for technical posts are transferred to the regular ministerial establishment after being recruited by this back door method of nomination by the heads of departments and offices ?

(c) Are Government aware that the Anglo-Indians recruited by the Foreign and Political Department for the Cypher Bureau are invariably transferred to the regular ministerial establishment, thereby barring the prospects of those men who came by competitive examination ?



(d) Are Government aware that the Army Department recruited a relation of the Personal Assistant to the Army Secretary on grounds of technical qualifications a few years back ? If so, has he been transferred to the regular establishment for being considered for promotion to the post of upper time scale Assistants and post of Superintendents ?

(e) Are Government aware that another relation of the said Personal Assistant to the Army Secretary has been recruited by the Army Department on the ground of technical qualifications ? If so, will Government be pleased to state what are the technical qualifications of the said candidate ?

(f) Are Government aware that a relation of one of the Assistant Financial Advisers, Military Finance, was recruited a few years ago by the Military Finance without the intervention of the Public Service Commission on the ground of technical qualifications, and that attempts are being made to transfer him to the regular second division in order to avoid his stay permanently in the winter in Simla ?

(g) Is it a fact that the Public Service Commission recruits technical men for technical posts of all other branches of the Government of India administration, including Railways, Telegraphs, and Civil and Mechanical Engineers, Press Foreman, Indian Stores Department technical posts and various other technical jobs ? If so, will Government be pleased to state why the recruitment of a few technical men required in the Government of India Secretariat Departments cannot be entrusted to the Public Service Commission ?

(h) Do Government propose to hand over the entire recruitment of the ministerial establishment including technical posts to the Public Service Commission ? If not, why not ?

**The Honourable Sir Harry Haig :** (a) The reply to the first portion is in the affirmative. As regards the second portion, the position is that though posts of a special or technical nature in offices which recruit through the Public Service Commission are not filled in the ordinary way, i.e., by an examination, selection for such posts is made through the Public Service Commission who are required to satisfy themselves that the person to be appointed is qualified to hold the post.

(b) I am making enquiries and will lay a statement on the table.

(c) The position is not as stated by the Honourable Member.

(d) The post was not a technical one at the time and the circumstances in which the appointment was made were fully explained in answer to starred question No. 909 and unstarred question No. 464 on the 24th and 21st September, 1928, respectively. The reply to the second part is in the negative.

(e) Yes, except that the post was not a technical one. A man with special practical experience of the outdoor work connected with water supplies in Cantonments was required ; and the individual in question was recommended by the Cantonment authorities of the Eastern Command. The appointment was made with the express approval of the Public Service Commission.

(f) A son of an Assistant Financial Adviser was recruited to the III Division of the Military Finance Department some years ago and was con-

firmed in 1930 with the concurrence of the Public Service Commission. There is at present no question of his promotion to the II Division.

(g) The answer to the first clause is in the affirmative. As regards the second clause, I would refer the Honourable Member to the reply I have just given to part (a) of this question.

(h) Government do not see sufficient reasons for departing from the existing orders on the subject.

**Mr. Gaya Prasad Singh :** With reference to part (c) of the question, may I know if any Indian has been appointed to the Cypher Bureau of the Foreign and Political Department ?

**The Honourable Sir Harry Haig :** I am afraid I should require notice of that question.

**Mr. Gaya Prasad Singh :** Are Government aware that this matter repeatedly came up before the Standing Finance Committee, and that the undertaking given was that claims of Indians to appointment in the Cypher Bureau would be seriously considered and acted upon ?

**The Honourable Sir Harry Haig :** No : I am not aware of that : the Cypher Bureau is not under the Home Department.

**Mr. Gaya Prasad Singh :** I am asking the question of the Government : will the Honourable Member kindly ask his colleague on his left, the Finance Member, on this point ?

**The Honourable Sir Harry Haig :** I think the Honourable Member might address his question direct.

**Mr. Gaya Prasad Singh :** My question is addressed to the Government, and it is this : will Government kindly state if any Indian has been yet appointed on the Cypher Bureau of the Foreign and Political Department ?

**Mr. B. J. Glancy :** I am afraid I have not got any information on that point.

**Mr. Gaya Prasad Singh :** Will Government be pleased to state whether the appointment to the Cypher Bureau is made through the Public Service Commission ?

**Mr. B. J. Glancy :** No.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state what are the special qualifications required for a post in the Cypher Bureau of the Foreign and Political Department ?

**Mr. B. J. Glancy :** There are no special qualifications required, as far as I know, except that the persons holding the appointment must be qualified to deal with the work and that they must be thoroughly reliable.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state whether any attempt was ever made to appoint an Indian to this post ?

**Mr. B. J. Glancy :** I am not aware whether any attempt was made.

**Mr. Gaya Prasad Singh :** Is the Honourable Member aware that when a proposal was made before the Standing Finance Committee for increasing the strength of the Cypher Bureau of the Foreign and Political Department, a recommendation was made by the members of the Standing Finance Committee that the claims of Indians should be seriously considered in that Department and that some of these appointments should be given to Indians ?

**Mr. B. J. Glancy :** No, Sir ; I am not aware of that.

**Mr. Jagan Nath Aggarwal :** Is this Cypher Bureau the same Bureau which took two hours to decipher a telegram in connection with the release of Mahatma Gandhi on the 23rd August ?

**Mr. B. J. Glancy :** I do not think that was the Cypher Bureau of the Political Department.

**Mr. Gaya Prasad Singh :** May I know, Sir, if the Honourable the Finance Member has anything to say on this subject ?

**The Honourable Sir George Schuster :** I think I may inform the House that my friend, who has asked this question, knows more about it probably than anybody else in this House. He has always expressed a very great interest in this case which has come up several times before the Standing Finance Committee. My friend is fully aware of the difficulties that exist in the matter of appointing Indians to the Cypher Bureau, because some of the cypher used for the Cypher Bureau are only issued by His Majesty's Government on the understanding that they will be used by British officials. That is a technical difficulty. My friend is also aware that the Foreign and Political Department have been doing their best to overcome this technical difficulty. My friend, the Political Secretary, who has not been in the Department very long, is perhaps not familiar with the past history of this case. All I can do is to promise the asker of this question that I will look into this matter as Chairman of the Standing Finance Committee and inquire from the Foreign and Political Department exactly how the matter stands.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state whether all these Anglo-Indians are British subjects ?

**The Honourable Sir George Schuster :** I am afraid I have been taken rather out of my sphere. I must have notice of that question.

**Mr. N. M. Joshi :** May I ask whether Indians are not British subjects ?

**The Honourable Sir George Schuster :** I think I have given all the information to the House in reply to questions which Honourable Members were entitled to ask at the present stage. I only intervened, because my Honourable colleague, the Political Secretary, is not actually familiar with this case which I am familiar with as Chairman of the Standing Finance Committee.

**Mr. S. C. Mitra :** From the reply given by the Honourable the Finance Member. I take it that he thinks that Indians are not " British subjects ". Is that not the necessary implication from his reply ?

**The Honourable Sir George Schuster :** I do not think it is a necessary implication, but I shall look up the exact rules and inform the Honourable Member what the exact rule is. I can only state that there is a technical difficulty which the Political Secretary and his Department have been doing their best to overcome.

**Mr. Gaya Prasad Singh :** Has not this matter been hanging fire for several years before the Standing Finance Committee ?

**The Honourable Sir George Schuster :** That only indicates that the technical difficulty is rather a serious one.

**Mr. N. M. Joshi :** May I ask what steps are being taken by Government to remove this technical difficulty ?

**The Honourable Sir George Schuster :** I suggest, Sir, that the question has been answered in sufficient detail now. I have promised to look into the matter, and I think that ought to satisfy Honourable Members.

**Mr. Gaya Prasad Singh :** Thank you.

**ASSEESSES TO INCOME-TAX AND SUPER-TAX AND ASSISTANT COMMISSIONERS  
ENGAGED IN APPELLATE WORK IN CERTAIN PROVINCES.**

653. **\*Mr. Gaya Prasad Singh :** (a) Will Government be pleased to inform this House (i) of the number of assesses to income-tax and super-tax in the Punjab, United Provinces, and North-West Frontier Province, separately ; (ii) of the number of appeals lodged against orders of assessment and the time taken in disposing of the same comparing it with the time taken previously before the limit was reduced to 1,000 rupees ?

(b) Will Government be pleased to place a statement on the table of this House showing the number of Assistant Commissioners engaged in appellate work in 1931, 1932 and 1933, and the number of appeals lodged ?

(c) How many officers in the above provinces have been granted extensions after reaching the age of retirement ? Will Government be pleased to state the reasons for granting such extensions at a time when extensive retrenchments have taken place in various Departments of the Government ?

**The Honourable Sir George Schuster :** (a) and (b). A statement is laid on the table. As regards the time taken in disposing of appeals, it is not possible to give any precise information as in the disposal of appeals many factors come into play and the time required varies very considerably in consequence. Some appeals are disposed of on the first hearing whereas others take several hearings when parties want adjournments for one reason or another.

(c) Extensions have so far been granted only to two officers in the United Provinces and to one in the Punjab and North-West Frontier Province. They were granted strictly in accordance with Fundamental Rule 56 in the interests of public service. In the Income-tax Department, officers with long experience are of special use in preventing attempts at evasions of tax which are by no means uncommon.

*Statement showing the number of Assessors, Appeals, etc. in the United Provinces, Punjab and North-West Frontier Province.*

| Province.                     | Year.   | No. of<br>Income-tax<br>and<br>Super-tax<br>assessors. | No. of appeals<br>lodged. | No. of<br>Assistant<br>Commissioners. |
|-------------------------------|---------|--|---------------------------|---------------------------------------|
| United Provinces.. ..         | 1930-31 | 25,533   | 1,570                     | 3                                     |
|                               |         |  | (1931-32) 1,518           | 3                                     |
|                               | 1932-33 | 60,534   | 3,165                     | 3                                     |
| Punjab .. ..                  | 1930-31 | 32,255   | 2,301                     | 3                                     |
|                               |         |  | (1931-32) 2,927           | 3                                     |
|                               | 1932-33 | 85,258   | 4,544                     | 3*                                    |
| North-West Frontier Province. | 1930-31 | 3,316  | 462                       | } †                                   |
|                               |         |  | (1931-32) 751             |                                       |
|                               | 1932-33 | 7,780  | 760                       |                                       |

\* To cope with increase in appellate work a temporary Assistant Commissioner was sanctioned for 9 months from 1st March 1933.

† No Assistant Commissioners specially for N.-W. F. P., the cadre of Assistant Commissioners being the same for Punjab, N.-W. F. P. and Delhi.

#### SERVICES OF EUROPEAN INDIAN CIVIL SERVICE OR OTHER OFFICERS LENT TO PLACES OUTSIDE BRITISH INDIA.

**654. \*Mr. Gaya Prasad Singh :** Will Government be pleased to state if the services of European I. C. S., or other officers, have been lent to places outside British India ? If so, what are their names, and the names of places outside British India, where their services have been lent ; and since what time ?

**Mr. B. J. Glancy :** The required information is being collected and will be laid on the table or given to the House.

**Mr. Gaya Prasad Singh :** The required information relating to the officers working in Indian States as well as in countries outside India ?

**Mr. B. J. Glancy :** I understand the Honourable Member's question referred to all places outside British India ?

**Mr. Gaya Prasad Singh :** My question referred to Indian States as well as to places outside India, both.

#### LOANS ADVANCED TO THE BAHAWALPUR STATE OUT OF INDIAN REVENUES.

**655. \*Mr. Gaya Prasad Singh :** (a) Will Government be pleased to state the dates, and the amounts, of loans advanced to Bahawalpur State out of Indian revenues, together with the rate of interest ?

(b) Will Government be pleased to state (i) what approximately is the annual interest on the entire loan ; (ii) what the yearly revenue of the

State is ; and (iii) the steps taken by Government to safeguard the Indian revenues by securing an early repayment of the loan and its interest ?

(c) Do Government propose to remit any portion of the loan ? If so, why ?

**The Honourable Sir George Schuster :** (a) The initial instalment of Rs. 427 lakhs was sanctioned in September, 1926. Additional instalments have been granted in subsequent years to enable the State to meet the payments required from time to time on account of capital expenditure in connection with the Sutlej Valley Project. The total amount outstanding on the 31st of March, 1933, was approximately Rs. 11.63 lakhs. Until the end of the financial year 1930-31, the rate of interest was 6 per cent. The rate charged on the amount outstanding on the 31st of March, 1931, is  $5\frac{1}{2}$  per cent. ; while the rate charged on additional instalments granted after that date will be based on the borrowing rate of the Government of India at the time.

(b) (i) The estimated interest on the entire loan for 1933-34 is approximately Rs. 63½ lakhs.

(ii) The information which the Honourable Member desires is available in the publication entitled " Memoranda on the Indian States ".

(iii) An expert Committee was appointed in 1931 to report on the financial prospects of the Bahawalpur section of the Sutlej Valley Project. In accordance with their recommendations now capital works which seemed unlikely to prove remunerative were abandoned. An experienced Chief Engineer is now in charge of all Irrigation works in the State and a Special Accountant-General supervises the accounts of the Sutlej Valley Project. The budget of the Project is now entirely separate from the State budget.

(c) Government have not made any proposal on the lines suggested by the Honourable Member.

**Mr. Gaya Prasad Singh :** Who are the members of this Committee with regard to (c) ?

**The Honourable Sir George Schuster :** According to my recollection, Sir Bernard Darling, Professor Roberts and Mr. Dodson of the Punjab Government.

**Mr. Gaya Prasad Singh :** I could not hear the answer to the first part of my question on account of the noise of the engine, but I should like to know what is the total amount of the loan advanced to this State ?

**The Honourable Sir George Schuster :** I will repeat that part of the answer. The total amount, outstanding on the 31st of March, 1933, was approximately Rs. 11.63 lakhs.

**Mr. M. Maswood Ahmad :** Do Government propose to take steps to see that in future the railway engines do not make noise between 11 and 12 ?

**Mr. H. P. Mody :** Don't Government consider that information, which is readily available and which is in their possession, should be given on the floor of this House rather than that Members should be referred to publications which are not readily available ? For instance, my friend just now referred to a Manual about the States. If the

information had been given,—it was only a question of figures—if the information had been given, we would have been able to estimate whether the revenues of the State could stand the interest which it has to pay. I would venture to suggest to my friend that on all such occasions the actual information should be given instead of a Member being referred to a Manual which may not be readily available.

**The Honourable Sir George Schuster :** I quite sympathise with my Honourable friend's question, but I believe that the practice which we all follow in answering these questions is based on a deliberate purpose. The purpose is one of educative value to Honourable Members that, when books are available, Honourable Members should be encouraged to read them. The Members of the Government should not be asked to do work which Honourable Members can do for themselves.

**Sir Cowasji Jehangir :** May I know, Sir, whether the State is responsible for any deficit that may occur in the project itself from State revenues ?

**The Honourable Sir George Schuster :** Yes, Sir. Certainly, the State has taken the loan, and the State is responsible for meeting the interest on that loan. The responsibility is not confined to the revenue of the project itself.

**Mr. Jagan Nath Aggarwal :** Is it not a fact that the loan was financed during the minority of this Ruler ?  
12 Noon.

**The Honourable Sir George Schuster :** Yes. The project was originally approved during the minority of the present Ruler.

**Mr. Jagan Nath Aggarwal :** And that the Council of Regency did not give their unqualified assent to it, and that the Punjab Government or the Government of India took the responsibility for the success of this scheme ?

**The Honourable Sir George Schuster :** That is a very complicated issue. That State have their own views on the subject which are not entirely accepted by the Government of India.

**Sir Cowasji Jehangir :** Have the State got to make up any deficit from their revenues in order to pay the interest ?

**The Honourable Sir George Schuster :** Up to the present, interest has been added to the capital of the project, because the period of construction is not yet completed.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if, after the report of this Committee, there is any fear on the part of the Government that the loan will not be repaid by the Bahawalpur State ?

**The Honourable Sir George Schuster :** I think it is well-known to Honourable Members, certainly it must be known to the Honourable Member who has asked this question, that the present condition as regards this project is not a satisfactory one. The project was undertaken at a time when all over the world many projects were being undertaken on the basis of expectations of high post-war prices. The project has suffered, as many projects have suffered all over the world, and elsewhere in India by the catastrophic fall in prices which has occurred. That has resulted in delay in the sales of land which has

increased the capital debt outstanding on account of the project. The question of how we are going to deal with this matter in the future is a difficult one which is now under the consideration of the Government of India and has been under their consideration ever since the expert Committee reported.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether the question of responsibility of repaying this debt has been finally settled between the Government and the State ?

**The Honourable Sir George Schuster :** No, Sir. The question is still under consideration. It has not been finally settled yet.

**Sir Cowasji Jehangir :** May I take it from the Honourable Member that the Assembly will be consulted before a final arrangement is made with regard to this big sum, especially in view of the Federation coming into existence before long ?

**The Honourable Sir George Schuster :** I am afraid I cannot give my Honourable friend any such undertaking. I shall be very glad to give the Assembly every possible information on the subject, but this is a matter between the Government of India and an Indian State and I could not give an undertaking that the Assembly would be consulted about it.

**Sir Cowasji Jehangir :** The Honourable the Finance Member realises that the monies that the Government of India may lose or may have to write off as a bad debt belong to the people of India and that this Assembly is responsible to the taxpayers of this country for any monies that the Government of India may have to write off. In that case, on one side it is the Assembly and, on the other side, it may be an Indian State. The Assembly is very intimately connected with this matter.

**The Honourable Sir George Schuster :** I quite appreciate the point which has been put by my Honourable friend. I may say that I hope that it will be possible to arrange this matter in such a way that a large sum may not have to be written off. I fully recognise that this Assembly has an interest in the matter if it involves a loss of revenues of British India. I only hesitated to give my Honourable friend the undertaking which he asked, because I should like to have time to consider this matter. But I certainly appreciate the point of view which he has put forward.

**Mr. B. Das :** Is it not a fact that the Punjab Government was solely responsible for the design of this project, and, if any financial loss should occur, should it not morally go to the Punjab Government and not to the Government of India ?

**The Honourable Sir George Schuster :** The Punjab Government have a strictly limited liability so far as the design of the project is concerned. The Punjab Government undertook to carry out the engineering part of the work. If there is any loss on this project, it is not primarily due to any fault in the design of the works, but due to the failure of the expectations of land sales which itself is due to the catastrophic fall in prices to which I have already referred.

**Mr. N. M. Joshi :** May I ask what is the justification of using British Indian money for the sake of Indian States ?



**The Honourable Sir George Schuster :** It has always been the practice of the Government of India to advance money to Indian States after projects have been carefully scrutinised and it appears that the money will be secure.

**Mr. S. C. Mitra :** May I draw the Honourable Member's attention to part (b) (i) and (ii) of the question, where the questioner wanted to know if the income of the State was more than Rs. 63 lakhs, the amount of interest which had annually to be paid ? Will the Honourable Member answer that question without referring us to books and volumes ?

**The Honourable Sir George Schuster :** I have already explained why, following the usual practice, I referred the questioner to a particular publication in which he will find the information as to what is the revenue of the State. But that will not entirely answer the question, because that information only covers the revenue of the State independently of the project. The question of the revenue of the project is a speculative matter on which it is not possible at present to make certain estimates.

**Mr. S. C. Mitra :** The questioner wanted to know if the revenue of the State was greater than the annual interest of Rs. 63 lakhs that they were liable to pay for the loan of 11 crores for this project.

**The Honourable Sir George Schuster :** My Honourable friend will get the information which he requires if he refers to the publications to which I have referred.

**Sir Cowasji Jehangir :** May I know whether or not a portion of the project is in working order ?

**The Honourable Sir George Schuster :** Part of the project is working, but the full construction is not yet over.

**Sir Cowasji Jehangir :** Is it not the agreement that the annual interest should be charged to capital on that part of the project which is not completed, and, as for the other part of the project, which is completed and is in working order and which may be making a loss, that that loss should be made up for the time being from State revenues and the whole of the interest cannot be added to capital while one part is completed and the other part is not ?

**The Honourable Sir George Schuster :** I can only tell my Honourable friend that the rules of accounting procedure in regard to this project have been properly followed and that the procedure has been passed by the Auditor General in the usual way.

**Mr. B. R. Puri :** May I know, if a serious attempt to realise the debts was made as against the State, what would be the consequences of that to the State itself ? I am sure that information is not available in that book.

**The Honourable Sir George Schuster :** It is quite obvious that if an attempt were made now to force the State to repay a sum of over Rs. 11 crores which has been borrowed to finance a project which is not yet in full working order, the State would be put to extremely financial difficulties.

**Mr. N. M. Joshi :** May I ask a question ? Whatever may be the old practice, in view of the new constitution in which the paramountcy

powers will rest with the Crown and not with the Government of India, will the Government of India consider the desirability of putting a stop to the practice of lending money to the Indian States ?

**The Honourable Sir George Schuster :** I would suggest that my Honourable friend, who is going to London, might raise that point there.

### UNSTARRED QUESTIONS AND ANSWERS.

#### APPOINTMENT OF A SIKH AS A JUDGE IN THE LAHORE HIGH COURT.

9. **Sirdar Sohan Singh :** (a) Are Government aware that out of 12 Judges on the Bench of the Lahore High Court three are Hindu lawyers, three Muhammadan lawyers, one Indian Christian lawyer and one a Hindu officer of the Indian Civil Service, and that a Sikh has not been appointed to that Bench ever since the said High Court and its predecessor, the Chief Court came into existence in 1866 ?

(b) Are Government aware that there will be five vacancies on the Bench of the said High Court to be filled up in October next—two due to the retirement of Messrs. Broadway and Harrison, one Inspection Judge and two Additional Judges ?

(c) Are Government aware that there are now three Sikh District and Sessions Judges and a number of Sikh lawyers available for selection for being elevated to the Bench of the said High Court ?

(d) Are the Government of India aware that the feelings of the Sikhs are intense in the matter ?

**The Honourable Sir Harry Haig :** (a) With regard to the present composition of the Court, the Honourable Member's information is correct with this exception that there are only two Muslim Judges on the Court and not three. I am prepared to accept the Honourable Member's statement that no Sikh has so far been appointed to the Court.

(b) The answer is in the affirmative.

(c) The qualifications for High Court Judges are laid down in section 101 (3) of the Government of India Act. I am not aware of the number of Sikh District and Sessions Judges and lawyers who fulfil these qualifications.

(d) Government have received certain representations on the subject.

#### PERSONS GETTING EXTENSIONS AFTER REACHING THE AGE OF SUPERANNUATION IN THE DEPUTY COMMISSIONER'S OFFICE, DELHI.

10. **Mr. M. Maswood Ahmad :** (a) Will Government please state the number of those persons who have reached the age of superannuation in the Deputy Commissioner's Office, Delhi, and who are still getting extensions ?

(b) How do Government justify these extensions in these days of financial stringency ?

**The Honourable Sir Harry Haig :** With your permission, Sir, I propose to reply to questions Nos. 10, 11, 13 and 14 together. The information asked for is being collected and will be laid on the table.

**GRIEVANCES OF APPRENTICES WORKING IN THE DEPUTY COMMISSIONER'S OFFICE, DELHI.**

†11. **Mr. M. Maswood Ahmad :** (a) Is it a fact that both paid and unpaid apprentices who are working in the Deputy Commissioner's Office, Delhi, for the last ten or eleven years, have been deprived of being given permanent posts and preference is generally given to outsiders ? If so, why ?

(b) How many apprentices (paid and unpaid, separately) are working for the last ten years in the English and Vernacular Offices and for what period have they been working ?

(c) How many clerks and apprentices have been transferred during this period from English to Vernacular Office and *vice versa* ? - What pay are they drawing now and what was the cause of their transfer ?

(d) Is it a fact that some apprentices and clerks submitted several representations in this connection to the Deputy Commissioner, Delhi ? If so, what action was taken in the matter ?

**PERMANENT CLERKS WORKING IN THE SUB-REGISTRAR'S OFFICE, DELHI.**

12. **Mr. M. Maswood Ahmad :** (a) Will Government please state the number of permanent clerks working in the Sub-Registrar's Office, Delhi ?

(b) Will Government also please state the number of paid and unpaid candidates, separately, in the same office ?

(c) Is it a fact that these candidates are allowed to enter the original registered documents in Book No. 1 and copy the same ? If so, who is responsible for this system and what steps do Government propose to take in the matter ?

**The Honourable Sir Harry Haig :** (a) Eight.

(b) One paid and two unpaid.

(c) The answer to the first part of the question is in the negative ; the second part does not arise.

**COMMUNAL COMPOSITION OF THE CLERKS IN THE DEPUTY COMMISSIONER'S OFFICE, DELHI.**

†13. **Mr. M. Maswood Ahmad :** (a) Will Government please lay on the table a statement showing the communal composition of the clerks (both paid and unpaid, separately) in the Deputy Commissioner's Office, Delhi ?

(b) How many out of these belong to (i) Delhi and New Delhi, proper, and (ii) rural areas in the Province of Delhi ?

**DETERMINATION OF SENIORITY IN THE DEPUTY COMMISSIONER'S OFFICE, DELHI.**

†14. **Mr. M. Maswood Ahmad :** (a) Will Government kindly say how seniority is determined in the Deputy Commissioner's Office, Delhi ?

(b) Is any regular register kept for this purpose ? If not, why not ?

†For answer to this question, see answer to question No. 10.

## RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

15. **Khan Bahadur Haji Wajihuddin** : (a) Is it a fact that retrenchments have been made in the Survey of India Department ?

(b) What are the grades of gazetted officers of the Department ? What was the sanctioned number of officers in each grade before retrenchment and what is the number remaining in each grade after the retrenchment ?

(c) How many among the retained officers in Class II service have put in 25 years' service and more ?

(d) How many of the retrenched officers of Class II service have put in between 5 and 15 years' service ? How many of these are Indians and how many Europeans or Anglo-Indians ?

**Mr. G. S. Bajpai** : (a) Yes.

(b).

| Grades and Posts of Gazetted Officers.  | Sanctioned number of officers. |                     |
|---|--------------------------------|---------------------|
|   | Before retrenchment.           | After retrenchment. |
| <i>Class I Service—</i>                 |                                |                     |
| Directly recruited .. .. .              | 52                             | 30                  |
| Promoted from Class II .. .. .          | 11                             | 6                   |
| <i>Class I General Service</i> .. .. .  | 2                              | 2                   |
| <i>Class II Service</i> .. .. .         | 80                             | 56                  |
| <i>Class II General Service</i> .. .. . | 5                              | 5                   |

(c) 13 officers had completed 25 years' service or more at the time the retrenchment board met.

(d) 4 officers, all of whom are Indians.

## RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

16. **Khan Bahadur Haji Wajihuddin** : (a) Is it a fact that the retrenchments in the Survey of India Department have been ordered in accordance with the decisions or recommendations of a Retrenchment Board composed of officers of the Department ?

(b) Is it a fact that one of the members of the said Board belongs to Class II and another was promoted from Class II to Class I a few years ago ?

(c) What was the serial number of the Class II officer in that class at the time he sat as a member of the Board ?

(d) Was he the seniormost officer in the Class available at Calcutta ? If not, how was he considered competent to be associated in the decisions relating to his own case and the cases of officers senior to him ?

**Mr. G. S. Bajpai :** (a) The Board's recommendations were taken into consideration in selecting officers for retrenchment.

(b) Yes.

(c) 46.

(d) The answer to the first part is in the negative. There were other members on the selection board who were competent to be associated in decisions relating to the case of this officer and the cases of officers senior to him. He was not considered competent for this purpose.

#### RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

17. **Khan Bahadur Haji Wajihuddin :** (a) Is it not a fact that the said member (Class II) of the Retrenchment Board for the Survey of India Department was suspended in 1919 and his pay reduced ?

(b) Is it not a fact that the Class II officers of the Central Circle of the Department protested by a telegram against his inclusion in the Board ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) No record of such protest is traceable.

#### RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

18. **Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the officiating Surveyor-General visited the Circle Headquarters some time before the date of the meeting of the Retrenchment Board and had consultations with the officers there, and returned with a preconceived or provisional list of officers to be retrenched ?

(b) Was any common test held among all the officers for the selection of the least efficient among them for retrenchment ? If not, why not ?

**Mr. G. S. Bajpai :** (a) The then officiating Surveyor General visited the various Circle Headquarters during his monsoon tour which was just prior to the convening of the Retrenchment Board. The reply to the latter part of the question is in the negative.

(b) The common test applied was the record of their work over a number of years.

#### RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

19. **Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that on the first day's sitting of the Retrenchment Board of the Survey of India Department, a list of officers to be retrenched was drawn up, in accordance with the general instructions issued by Government in the matter of effecting such retrenchments ?

(b) Is it not a fact that the list so prepared on the first day underwent some revisions, due to additions and subtractions being made therein ?

(c) Is it a fact that when once the least efficient were selected and more were required to be retrenched, the Board instead of retrenching officers by seniority, again started selecting and thus threw out many officers with no faults ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) Government have no information.

(c) No.

#### RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

20. **Khan Bahadur Haji Wajihuddin :** (a) Is it not a fact that non-official gentlemen are included in the Boards for selecting candidates to appear for the competitive examinations for recruitment to Class II of the Survey of India Department ?

(b) If so, what reasons prevented the authorities from including non-officials in the Retrenchment Board referred to previously ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) Only such persons as had an intimate knowledge of the organisation of the department could give useful advice.

#### RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

21. **Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the Surveyor General, in his evidence before the Retrenchment Committee, mentioned that Class II officers above the age of 50 were not suitable to be kept on ?

(b) If so, how is it that many officers of Class II (including those recently promoted to Class I), who are above 50 years old have been retained and young officers have been retrenched ?

(c) Is it a fact that more than 40 per cent. of the Class II officers now retained have completed 25 years or more service ?

**Mr. G. S. Bajpai :** (a) There is nothing to this effect on record.

(b) Does not arise.

(c) As stated in the reply to part (c) of question No. 15, thirteen officers who had completed 25 years' service or more at the time of retrenchment were retained. This is 23 per cent. of the revised strength.

#### RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

22. **Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state the number of Anglo-Indians and Indians among the retrenched Class II officers of the Survey of India Department ?

(b) How many retrenched Anglo-Indian officers referred to in part (a) have put in less than 15 years service and how many retrenched Indian officers from class II have put in less than 15 years of service ?

(c) Will not the removal of such a large percentage of younger or junior officers among Indians result in the proportion of Indian officers in the Department being reduced more quickly than under normal conditions, when the senior officers retained now retire in the usual course ?

|  |            |
|--|------------|
| <b>Mr. G. S. Bajpai :</b> (a) Anglo-Indians .. | 11         |
| Indians .. .. .                                | 10         |
| (b) Anglo-Indians .. .. .                      | <i>Nil</i> |
| Indians .. .. .                                | 4          |

(c) The percentage of junior Indian officers retrenched being small, the question does not arise.

#### RETRENCHMENT IN THE SURVEY OF INDIA DEPARTMENT.

**23. Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that in the Survey of India Department an Anglo-Indian officer of 28 years' service, who had been ordered to be retrenched, was subsequently taken in ?

(b) Is it a fact that only one of the seven officers promoted to this service from the lower ranks is retrenched ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) Yes.

#### NON-RECRUITMENT OF RETRENCHED HANDS OF THE SURVEY OF INDIA DEPARTMENT.

**24. Khan Bahadur Haji Wajihuddin :** Is it a fact that in filling up the post of the Deputy Director of Survey under the Government of Bihar and Orissa, on the retirement of the previous incumbent, the Surveyor General recommended an Anglo-Indian officer who had retired from the Survey of India ? If so, why was not a suitable officer from the active list selected for the post ?

**Mr. G. S. Bajpai :** The officer who was selected for this post was retrenched from Class I of the Survey of India. Employment was therefore provided for one of the retrenched officers.

#### COMPETITIVE EXAMINATION FOR FILLING UP OF VACANCIES IN THE SURVEY OF INDIA DEPARTMENT.

**25. Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that there have now occurred seven vacancies in the Class II service of the Survey of India Department, and that applications have been invited from candidates to sit in the competitive examination that will be held for selection of candidates to fill up the said seven vacancies in the Class II service ?

(b) Are Government prepared to view with favour the cases of retrenched Class II officers of the Survey of India Department with five to fifteen years' service, and arrange for their being called in, before any fresh recruits are taken, to fill up the vacancies now in that Class of service of the Department ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) The Honourable Member is referred to the reply given to part (c) of starred question No. 346 in the Legislative Assembly on the 1st September, 1933.

**QUALIFICATIONS OF CHARGEMEN IN THE CARRIAGE AND WAGON SHOPS,  
NORTH WESTERN RAILWAY, MOGHALPURA.**

**26. Sardar Sant Singh :** (a) Will Government please state the percentage ratio of the chargemen of each community, with their academic and technical qualifications, employed in 1921-31, in the Carriage and Wagon Shops, North Western Railway, Moghalpura ?

(b) Will Government be pleased to state the number, names, and salaries offered to chargemen recruited with the approval of the Railway Board, and how many have since been discharged for (i) consistent inefficiency, (ii) and otherwise, respectively, since 1921, and also state whether it was deemed necessary to get the Railway Board's sanction ? If so, under what circumstances ?

(c) Will Government be pleased to state the name of the authority competent enough to order transfers of persons of the said rank from one branch to another, and from one section to another and also state reasons for which such transfers are usually recommended in the Carriage and Wagon Shops at Moghalpura ?

**Mr. P. R. Rau :** (a) Government regret that they are not prepared to supplement with figures for particular classes of posts the information in regard to communal representation in Railway Services given in the Annual Administration Report on Indian Railways.

(b) and (c). I have called for the information and will lay a reply on the table in due course.

**SUSPENSION AND DISCHARGE OF CERTAIN CHARGEMEN IN THE CARRIAGE  
AND WAGON SHOPS, MOGHALPURA, NORTH WESTERN RAILWAY.**

**27. Sardar Sant Singh :** (a) Will Government be pleased to state the authority competent to appoint, suspend, discharge, and dismiss, and also define principles adopted in the suspension, discharge, dismissal and withholding of increments of, chargemen in the Carriage and Wagon Shops at Moghalpura, North Western Railway ?

(b) Will Government be pleased to state the distinction which exists between discharge and dismissal, and is it a fact that in discharge cases no orders can be issued which may entail further consequences, such as barring re-employment ?

(c) Is it a fact that under the rules and orders issued by the Government of India, Railway Board and Agent's Circulars, strict justice should be administered and special efforts should be made to avoid hardship when discharging persons employed against substantive permanent posts ? If so, will Government be pleased to state if the spirit of the rules is being strictly observed while discharging chargemen of the Carriage and Wagon Shops, Moghalpura ?

(d) Is it a fact that Home Department Resolution No. 1568-1595 (Establishment), dated the 14th September, 1915, clearly provides that no person should ordinarily be discharged, or dismissed, on grounds of inefficiency, unless he has been given a written warning to that effect, or fined or reduced ? If so, will Government be pleased to state the names of persons discharged, if any, in (i) contravention of the aforesaid rules, and (ii) otherwise, separately amongst the chargemen in the Carriage and Wagon Shops at Moghalpura ?



(e) Is it a fact that under the rules in force an employee can be placed under suspension on a serious charge until his case has been decided by the authority competent to dismiss him, and he should be given a chance to clear his position ? If so, will Government be pleased to state the number of persons suspended and discharged without being given any opportunity to explain their conducts, *vide* Home Department Resolution No. 1568-1595 (Establishment), dated 14th September, 1915, and without being served with charge sheets showing the specific acts on their part, the names of the chargemen who were suspended for one offence (insubordination), and discharged for another (inefficiency), Carriage and Wagon Shops, Moghalpura ?

**Mr. P. B. Rau :** (a) and (c). The attention of the Honourable Member is invited to the " Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants ", a copy of which is already in the Library of the House. Government have no reason to believe that these orders are not carried out on the North Western Railway.

(b) A discharged employee may be re-employed but one who is dismissed cannot be re-employed.

(d) The Home Department Resolution referred to by the Honourable Member does not deal with discharge or dismissal of employees but with the procedure for periodical reports.

(e) The reply to the first part is in the affirmative. As regards the latter part, Government have no information that the rules are not followed in their entirety on the North Western Railway.

#### AMALGAMATION OF CLERICAL GRADES IN THE AUDIT DEPARTMENT, NORTH WESTERN RAILWAY.

28. **Mr. M. Maswood Ahmad :** (a) Are Government aware of the article headed " North Western Railway Audit Office " published in the *Pilot*, Amritsar, dated the 13th August, 1933 ?

(b) Will Government be pleased to place on the table a copy of the present seniority list of clerks, grade II, as also the one according to the length of service and efficiency ?

(c) Do Government propose to separate the seniority of qualified auditors from that of the clerks for the purpose of promotion in clerical grades ?

(d) Is it a fact that there is only one grade in the office of the Accountant General, Punjab ?

(e) Are Government prepared to consider the amalgamation of clerical grades I and II in the Railway Audit Department and the formation of one grade of 50—5—200 as suggested in the concluding paragraph of the said article ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) A copy of the present seniority list is placed on the table. This is also the list according to the length of service in the lower grade and efficiency as determined by (1) success in the Subordinate Accounts Service examination and (2) service in Class I.

(c) It is already separate. Group A of the seniority list shows the seniority of the clerks class II who have passed the Subordinate Railway Audit Service Examination.

(d) Yes.

(e) There is no such intention.

*Copy of the Revised Seniority List of class II clerks of the office of the Chief Auditor, North Western Railway, as it stood on the 4th May 1933.*

Group A (Consisting of men who have passed the Subordinate Railway Audit Service Examination).

1. Mr. Ajmer Singh.
2. Mr. Sardari Lal.

Group B (Consisting of men who have past service in class I according to the length of that service).

3. Mr. Tulsi Das.
4. Mr. Dhani Ram.
5. Mr. Durga Dass Chri (on deputation).
6. Mr. Nand Lal.
7. Mr. Thaneshwar Dass.
8. Mr. Hans Raj.
9. Mr. Lila Dhar.
10. Mr. Wazir Chand.
11. Mr. Tulsi Ram.
12. Mr. Savindar Singh.
13. Mr. Krishena Kumar.
14. Mela Ram Seth.
15. Mr. Parkash Sarup Puri.

Group C (Consisting of men who have service only in the Lower grade).

16. Mr. Hakumat Rai.
17. Mr. Mohd. Tuffail.
18. Mr. T. G. Gonsalves.
19. Mr. Shiv Shankar.
20. Mr. Abdul Karim Khan.
21. Mr. Chella Ram.
22. Mr. James O'Reilly.

#### INDIAN RESEARCH FUND ASSOCIATION WORK DONE BY THE ASSISTANT-IN-CHARGE OF THE PUBLIC HEALTH SECTION OF THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.

29. Mr. A. Das : (a) Will Government be pleased to state whether it is a fact that the Assistant-in-charge of the Public Health section of the office of the Director General, Indian Medical Service, was and is doing the work of the part time Assistant Secretary of the Indian Research Fund Association in addition to his own duties and is getting some allowance for doing that work ?

(b) Is it a fact that the Public Health Commissioner with the Government of India, who is the section officer of the Public Health section of the office of the Director General, Indian Medical Service, is the Secretary of the Indian Research Fund Association ?

(c) Is it a fact that the same Assistant-in-charge was allowed to draw, in addition to his own pay, an allowance of Rs. 250 per mensem for

the work of the Indian Research Fund Association without the previous sanction of Government ?

(d) How long was this allowance drawn by him and what was his substantive pay in the Assistant's grade when he was allowed to draw the allowance of Rs. 250 per mensem ?

(e) What amount was later sanctioned by Government ?

(f) Are Government prepared to place on the table the correspondence regarding the waiving of the recovery in question ?

**Mr. G. S. Bajpai :** (a) Yes. -

(b) Yes.

(c) Yes, but with the previous sanction of the Governing Body of the Indian Research Fund Association, which was meeting the cost.

(d) From 1st March, 1932, to 15th December, 1932. When the allowance was first sanctioned by the Governing Body of the Association, his substantive pay as an Assistant in the Office of the Director General, Indian Medical Service, was Rs. 332 per mensem in the grade of Rs. 200—12—440 *plus* a special pay of Rs. 50 per mensem for holding charge of the Public Health Section in that office.

(e) Rs. 100 per mensem.

(f) No.

#### CREATION OF THE POST OF ASSISTANT SECRETARY IN THE INDIAN RESEARCH FUND ASSOCIATION.

30. **Mr. A. Das :** (a) Is it a fact that a whole-time appointment of Assistant Secretary has been created in the Indian Research Fund Association ? If so, what is the date of the sanction ?

(b) What qualifications are required by a candidate to be eligible for the appointment ?

(c) Has anybody been appointed to the post ? If not, why not ?

(d) Why was the appointment of the Assistant Secretary created ? What efforts were made to fill the appointment ?

(e) Is it true that candidates went to the Public Health Commissioner and the Secretary of the Indian Research Fund Association to try for the job, but he did not approve of any candidate, nor is he prepared to fill the vacancy ?

(f) What are the academic and other qualifications of the Assistant in charge of the Public Health Section and what were those of the candidates who went to see the Public Health Commissioner to try for the post of the Assistant Secretary of the Indian Research Fund Association ?

(g) How many times during the last two and a half years has the Public Health Commissioner or the Secretary of the Indian Research Fund Association approached Government with a view to give personal benefit to this Assistant ?

(h) How many allowances, and of what denominations, out of the Indian Research Fund Association fund have been granted through the Public Health Commissioner or the Secretary of the Indian Research Fund Association to the clerks of the Public Health section of the office of the Director General, Indian Medical Service ?

**Mr. G. S. Bajpai :** (a) No.

(b) to (e). Do not arise.

(f) The qualifications of the Assistant-in-Charge are considered by his superior officers to be suitable for the work he is doing. The second part of the question does not arise.

(g) The Public Health Commissioner made suggestions once which would also have benefited the Assistant financially but this would have been in return for work done for the Indian Research Fund Association.

(h) An allowance of Rs. 50 per mensem from the funds of the Indian Research Fund Association has been granted with the approval of the Governing Body to the Public Health Commissioner's stenographer, for doing stenographer's work for the Secretary to the Governing Body of the Association.

#### PROMOTIONS OF OFFICERS OF THE TRANSPORTATION (TRAFFIC) AND COMMERCIAL BRANCHES OF THE NORTH WESTERN RAILWAY.

**31. Sirdar Sohan Singh :** (a) Are Government aware that there is a block in the promotion of officers on the North Western Railway serving in the Transportation (Traffic) and Commercial Branches ?

(b) Are Government aware that officers serving in these branches on the Eastern Bengal and East Indian Railways, who are considerably junior to officers on the North Western Railway, are working as District officers while the latter continue to serve as Assistant officers ?

(c) If the replies to parts (a) and (b) are in the affirmative, will Government please state what action they have taken to remove this grievance of the North Western Railway officers ?

(d) Is it a fact that five names were submitted by the North Western Railway for transfer to the other railways as recently as last April and no move has yet been made in this direction ? If not, why not ?

**Mr. P. R. Rau :** (a) and (b). I understand there is little difference between one railway and another in this matter with the exception of one officer on the Eastern Bengal Railway, the junior most officers officiating in the senior scale on all these railways joined service before 1920.

(c) The Railway Board are considering whether any steps can be taken to make the chances of promotion on different railways approximately the same, but the question is very complicated and I am afraid no steps that can be taken can equalise chances exactly, or for any considerable period.

(d) Suggestions for transfer have been called for from all Railway administrations and they are under the consideration of the Board.

#### IMPROVEMENT IN THE DESIGN OF A BONE-CRUSHER.

**32. Mr. S. C. Mitra :** Will Government please state when they will declare the winner of the prize of Rs. 3,500 offered by the Imperial Council of Agricultural Research for the design of an improved bone-crusher for which designs were submitted to the Secretary, Imperial Council of Agricultural Research, before the 1st November, 1931 ?

**Mr. G. S. Bajpai :** The Imperial Council of Agricultural Research expects to be able to announce the result in the course of the current year.

## ELECTION OF MEMBERS TO THE STANDING COMMITTEES FOR THE DEPARTMENTS OF COMMERCE AND INDUSTRIES AND LABOUR.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to inform the Assembly that the following Members have been elected to the Standing Committees for the Departments of Commerce and Industries and Labour, respectively :

*Standing Committee for the Department of Commerce.*

Mr. R. T. H. Mackenzie,  
Mr. S. C. Mitra, and  
Kumar Gupteshwar Prasad Singh.

*Standing Committee for the Department of Industries and Labour.*

Mr. G. Morgan,  
Kunwar Hajee Ismail Ali Khan, and  
Haji Chaudhury Muhammad Ismail Khan.

### STATEMENTS LAID ON THE TABLE.

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

- (i) the information promised in reply to unstarred question No. 39 asked by Pandit Satyendra Nath Sen on the 25th February, 1933 ;
- (ii) the information promised in reply to starred question No. 486 asked by Mr. N. M. Joshi on the 25th February, 1933 ;
- (iii) the information promised in reply to part (d) of unstarred question No. 79 asked by Mr. S. C. Mitra on the 8th March, 1933 ;
- (iv) the information promised in reply to unstarred question No. 101 asked by Mr. Rameshwar Prasad Bagla on the 13th March, 1933 ;
- (v) the information promised in reply to part (d) of starred question No. 739 asked by Mr. Rameshwar Prasad Bagla on the 13th March, 1933 ;
- (vi) the information promised in reply to parts (b) and (d) of starred question No. 807 asked by Mr. Muhammad Anwar-ul-Azim on the 20th March, 1933 ;
- (vii) the information promised in reply to starred question No. 808 asked by Mr. Muhammad Anwar-ul-Azim on the 20th March, 1933 ;
- (viii) the information promised in reply to starred question No. 812 asked by Seth Haji Abdoola Haroon on the 21st March, 1933 ;
- (ix) the information promised in reply to starred question No. 865 asked by Mr. D. K. Lahiri Chaudhury on the 22nd March, 1933 ;
- (x) the information promised in reply to starred question No. 910 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 24th March, 1933 ;
- (xi) the information promised in reply to unstarred question No. 124 asked by Mr. S. C. Mitra on the 27th March, 1933 ;

- (xiv) the information promised in reply to parts (c) and (e) of starred question No. 1024 asked by Mr. Muhammad Anwar-ul-Azim on the 1st April, 1933 ;
- (xiii) the information promised in reply to starred question No. 1041 asked by Mr. Muhammad Anwar-ul-Azim on the 1st April, 1933 ; and
- (xiv) the information promised in reply to starred question No. 1201 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 10th April, 1933.

### EXAMINATIONS FOR BAUDOT SUPERVISORS AND TELEGRAPH MASTERS.

#### Statement.

39.

|                         | (i)   | (ii)   | (iii)*   | (iv)  | (v)  | Remarks.  |
|-------------------------|---|--|--|---|--|---|
| Circles.                | No. of telegraphists qualified in departmental examinations (Telegraph Mastership and Baudot Supervisorship examinations) and awaiting promotion to the Telegraph Master's cadre. | Total sanctioned strength of Baudot Supervisors. | Number of Telegraphists qualified in ordinary Baudot Supervisory examination awaiting appointment as Baudot Supervisors. | No. of telegraphists qualified in Higher Baudot Technique subjects only awaiting appointment as Baudot Supervisors. | No. of telegraphists qualified in both subjects referred to in (iii)* and (iv) awaiting Baudot Supervisory appointments. | *Presumably the Hon'ble Member means (iii) and not (ii) as stated by him. |
| 1. Bengal and Assam     | 21  | 29   | 0  | 2   | 1  |   |
| 2. Bihar and Orissa ..  | 3   | 2†   | 0  | 1   | 1  |   |
| 3. Bombay ..            | 72  | 32   | 8  | 2   | 0  |   |
| 4. Burma .. ..          | 24  | 19   | 0  | 2   | 1  |   |
| 5. Central .. ..        | 21  | 9  | 0  | 2   | 0  |   |
| 6. Madras .. ..         | 30  | 22   | 0  | 1   | 0  |   |
| 7. Punjab and N. W. F.  | 45  | 19‡  | 1  | 0   | 7  |   |
| 8. Sind and Baluchistan | 15  | 8  | 0  | 1   | 6  |   |
| 9. United Provinces ?   | 32  | 32   | 0  | 0   | 0  |   |
| Total ..                | 263   | 172  | 9  | 11  | 16   |   |

\*Figures in column (iii) do not include the men with double qualification shown in column (v).

†Both posts temporarily held in abeyance.

‡Including 3 posts held in abeyance.

## POSTAL CLERKS IN EACH POSTAL CIRCLE.

*Statement.*

\*486.

| Circle.              |        |    | (a)   | (b)  |
|----------------------|--------|----|---|--|
|                      |        |    | No. of posts in the Lower Division clerical cadre in the Postal Department at the end of December 1932. | No. of posts in the Upper Division clerical cadre in the Postal Department converted into the Lower Division up to the end of December 1932. |
| Bengal and Assam     | Circle | .. | 857   | 155  |
| Bihar and Orissa     | "      | .. | 298   | 43   |
| Bombay               | "      | .. | 496   | 217  |
| Burma                | "      | .. | 271   | 102  |
| Central              | "      | .. | 379   | 122  |
| Madras               | "      | .. | 404   | 175  |
| Punjab and N. W. F.  | "      | .. | 409   | 118  |
| United Provinces     | "      | .. | 411   | 74   |
| Sind and Baluchistan | "      | .. | 67  | 18   |

## RETRENCHMENTS IN THE TELEGRAPH TRAFFIC AND TELEGRAPH ENGINEERING BRANCHES OF THE TELEGRAPH DEPARTMENT.

79. (d) On the 1st April, 1932, there were 173 posts held by gazetted officers in the Telegraph Engineering Branch and 86 in the Telegraph Traffic Branch. Up to the 31st January, 1933, 11 of the former and 10 of the latter were brought under reduction.

## SELECTIONS OF ELECTRICAL SUPERVISORS FOR CARRIER CURRENT WORK IN THE CENTRAL TELEGRAPH OFFICE, CALCUTTA.

101. (a) The facts are not exactly as stated by the Honourable Member. The Electrical Engineer-in-Chief made the selections in consultation with the Director of Telegraph Engineering, the Divisional Engineer, Telegraphs, Calcutta West Division and the Chief Superintendent, Central Telegraph Office, Calcutta. The Assistant Electrical Engineer was also required to be present to render any assistance that might be required of him.

(b) Two trained candidates were selected after being orally examined by the Electrical Engineer-in-Chief on those technical subjects with which it is necessary for the candidates to be conversant.

(c) No.

(d) Yes.

(e) No, the matter has already been inquired into by the Director-General and Government are satisfied that all the candidates trained in the carrier current system were granted interviews.

# PLATFORM RAISED BY MUSLIM EMPLOYEES IN THE COMPOUND OF THE LAHORE GENERAL POST OFFICE.

\*739. (d) The reply to the first part of the question is in the negative. As regards the second part Government have decided, after due consideration, that in future permission to erect such structures will not as a rule be granted to the members of any community.

## RECRUITMENT OF GARHWALI HINDUS IN THE QUETTA HEAD POST OFFICE AS PACKERS AND POSTMEN.

\*807. (b) In the absence of suitable local candidates five Garhwali Hindus have been appointed as postmen and packers since 1926 when the instructions referred to in the reply to part (a) of this question were issued, but this was not in contravention of the instructions as these were intended to apply to recruitment for the clerical services only as was made clear in an amendment to the said instructions issued shortly afterwards.

(b) The reply to the 1st and 2nd parts is in the negative. There is no official, Surjupershad by name, among the Garhwali Hindus. The third part does not arise.

## LETTERS FOUND UNCLEARED FROM THE LETTER BOX OF THE PISHIN POST OFFICE.

\*808. (a) and (b). Owing to the breaking away of a piece of plaster in the chute of the letter box in question about 60 letters and postcards posted between 1929 and 1932 lodged in the crevice so formed and were not cleared. No one was held responsible for neglect of duty as the position of the crevice was such that it was not easy to detect. The articles were subsequently despatched to their destinations.

(c) Yes.

(d) The office was inspected by three officers, Messrs. Aurora, Abdul Hamid and Md. Akbar Khan, during the period in question, but no action was taken against any of them for the reason stated in the reply to part (a).

## EXAMINATION FOR LOWER DIVISION POSTAL CLERKS HELD AT DELHI.

\*812. (a) Yes.

(b) (i) 96 and not 105 candidates appeared.

(ii) The fact is not as stated. Some candidates expressed their inability to appear at the test and went away.

(iii) and (iv). Yes.

(v) Yes ; as seven passed in this subject the test was evidently not an unfair one.

(c) Yes.

(d) No.

(e) The reply to both parts of the question is in the negative.

## RATES OF ALLOWANCES DRAWN BY POSTAL EMPLOYEES AT DARJEELING.

\*865. (a) The Honourable Member presumably refers to the case of ministerial officials of the Bengal Government stationed at Darjeeling, if so, the position is not as stated by him.

(b) The fact is as stated by the Honourable Member as regards ministerial officials in the ordinary time-scale of pay ; while for officials in the Selection Grade the scales are the same for all the places mentioned. I may, however, add that postal officials stationed at Darjeeling draw compensatory allowances.



(c) The allowances drawn by the ministerial staff of the Local Government at Darjeeling are regulated on a percentage basis according to pay drawn while in the case of the post office ministerial staff in the ordinary time-scale the compensatory allowance has been fixed at a uniform rate of Rs. 15 per month. Consequently in the lower stages of the time-scales the allowances paid to the post office ministerial staff are higher; while in the higher stages the employees of the Local Government draw the larger allowances. But the ordinary time-scale of the post office ministerial staff at Darjeeling is superior to that of the ministerial staff of the Local Government employed there.

#### AMALGAMATION AND SEPARATION OF THE CADRES OF INSPECTORS OF RAILWAY MAIL SERVICE AND INSPECTORS OF POST OFFICES.

\*910. (1) (a) Assuming that by 'general line-men' the Honourable Member means Railway Mail Service officials other than Inspectors, in the lowest selection grade of Rs. 160—10—250, the reply is in the affirmative.

(b) Yes.

(c) and (e). Government have no precise information but the facts are probably as stated by the Honourable Member.

(d) The general examination prescribed for promotion to selection grade posts on Rs. 160—10—250 including those of Inspectors was abolished in 1932 and replaced by an examination for promotion to posts of Inspectors and divisional Head Clerks only.

(f) Yes.

(2) Transfers of Inspectors, Railway Mail Service, on Rs. 160—250 to other posts in the Railway Mail Service on the same scale of pay do not involve any loss of pay or status. In these circumstances Government are not prepared to take the action suggested by the Honourable Member.

(3) As regards the first part of the question, the fact is that the 3 officials referred to by the Honourable Member were transferred to the Inspectors' line by the Postmaster-General, United Provinces Circle, through a misunderstanding of the Director-General's orders. Orders have since been issued for their re-transfer to the general line. The latter part of the question does not therefore arise.

#### SUICIDE COMMITTED BY A POSTAL OFFICIAL OF THE RAJSHAHÍ DIVISION.

124. (a) to (d). No.

(e) Does not arise.

#### FRAUDS COMMITTED IN THE QUETTA POST OFFICE.

\*1024. (c) The case was not reported to the police as the facts did not warrant such a measure.

(c) The matter called for detailed enquiries of a confidential nature by an independent responsible officer and the Investigating Inspector attached to the circle office was therefore deputed to enquire into the case.

#### NON-RECRUITMENT OF MUSLIM CLERKS IN THE OFFICE OF THE DIVISIONAL ENGINEER, TELEGRAPHS, NEW DELHI.

\*1041. (a) No.

(b) Does not arise.

(c) and (d). Yes.

(e) No.

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(f) Muslims—six including five appointed temporarily, of whom one was appointed in March, 1933, and three appointed during the years 1923 to 1925, were subsequently employed in the Telephone Revenue Accounting Office, Delhi. Non-Muslims—14, of whom one has been transferred to the Lahore Division and one is working in an officiating capacity.

(g) Yes. The Honourable Member is referred to the statement of new recruits published in the Director-General's Annual Reports for the year 1928-29 and subsequent years.

### EXAMINATION FOR THE RECRUITMENT OF LOWER DIVISION CLERKS HELD AT THE BENARES CITY POST OFFICE.

\*1201. (a) The reply to both the parts is in the affirmative.

(b) The reply to the first part is in the negative and the remainder of the question does not arise.

(c) and (d). According to the latest information in possession of Government, out of a total of 112 Upper Division clerks employed in the Benares City Post Office 94 are Hindus and 18 Muslims. As regards the number of vacancies, there has been a sixth vacancy in addition to the five mentioned by the Honourable Member. Of these six vacancies, one has been reserved to be absorbed on the abolition of a post and one has been filled by a non-Muslim clerk who originally belonged to the Benares City Post Office to which he has been retransferred from Cawnpore.

(e) No, the clerk in question had been transferred from Benares to Cawnpore as a punitive measure. As this had had the desired effect and the official's work had shown improvement, he was retransferred to Benares. In these circumstances Government see no reason to interfere with the transfer.

### THE HINDU WIDOWS' RIGHT OF MAINTENANCE BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the following motion moved by Diwan Bahadur Harbilas Sarda on the 29th August, 1933 :

"That the Bill to fix the amount of maintenance to which Hindu widows are entitled, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Sir Hari Singh Gour, Sir Abdur Rahim, Mr. C. S. Ranga Iyer, Pandit Ram Krishna Jha, Mr. Muhammad Yamin Khan, Mr. N. M. Joshi, Mr. A. Das, Mr. S. C. Mitra, Mr. B. B. Puri, and the Mover, with instructions to report by the 25th January, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**The Honourable Sir Bepin Behary Ghose** (Law Member) : Sir, I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933."

There are many things in this small Bill which require to be straightened out. I must, first of all, say that the orthodox members of the Hindu Community utter grave complaints against, I would even say, curses on, the present Legislature which are both loud and deep. They say that the present Legislature consists mainly of non-Hindus and Hindus who call themselves Hindus, but who belong to a very much advanced community. From personal experience I know that many complaints have been made to me when I was not in office. They say that the Legislature is going through the nibbling process against Hindu law and in time they want to swallow the whole thing altogether. I do not belong to the orthodox section of the people. I cannot claim that, but I have not cut the cables and drifted apart from the moorings. But I must confess that I share the proverbial conservatism of a lawyer.

It has been said that the lawyers are, as a rule, conservative and, in addition to that, my years also make me fearful of any great change. All honour to those of my profession who have shaken off the conservatism of our class. I have only to say in connection with this Bill that there are many things which require careful consideration. There is the question of the definition of a widow and there is the question that this Bill attempts to make serious inroads into the Mitakshara family. This morning I happened to look into a publication by an accomplished and learned member of my profession. He is a member of this Assembly, but I do not see him here just now. He said that the income-tax has made a heavy inroad into the corporation of a Hindu joint family, but this Bill does something more, because, as every one knows, a Mitakshara family has been described as a corporation in which no member has any definite interest until a partition is effected. Even male persons living in the family are not entitled to any sum of money out of the income as their maintenance. This Bill proposes that, if a widow is sonless, she is entitled to get as maintenance the entire income which her husband's share in the joint family estate would, as on partition, yield. This amounts to a compulsory partition. The difficulty of this question is with regard to the income. The income of a joint Hindu family is often variable. If it is derived from landed property, then every landlord in this House will have to confess that the income is not a fixed amount and, therefore, it would be difficult to find out what the income of the Mitakshara joint family is which would accrue to the widow on partition. If the income is derived from industrial or commercial business, then, I submit, Members here will admit that there also no fixed amount can be said to be payable to the widow and, even if the whole income is derived only from Government securities, then my friend, the Honourable the Finance Member, may be responsible for reducing that income by paying off securities and reducing the interest on them. Therefore, this matter must be considered, even if the entire income of her husband, which he would get from the family estate as in the case of a partition in his life time, were given to the widow. Would the Court of Law be bound to determine the income year by year or month by month? And, if a fixed amount is decreed, that may be certainly more or less than the income derived in a particular year or month. Again, there are questions which seem to me to be very important which also require consideration. In the case of a separated Hindu, if sonless, the widow inherits the property, but there is one disqualification. She is required during her widowhood "to keep unsullied the bed of her lord", as it is said in the texts. Now, would the Hindu widow, who had sullied the bed of her lord during the life time of her husband, be entitled to maintenance after the death of the husband? That also is a question which must be determined. What would happen if the widow re-marries? Among the Hindus, as defined in clause 2, there may be many communities where widow marriage is allowed by custom. Those do not come within the purview of the Hindu Widow Re-marriage Act, and would they retain the maintenance that would be allowed by the Court? These are questions which have to be dealt with.

Then, with regard to the provisions in clause 4, where it is said that if there is a posthumous son born to the widow, who was sonless at the time when her husband died, she should get an equal share of the income of her husband's estate which a son would get as on partition. I could

[Sir Bepin Behary Ghose.]

understand if it had been said that she would get a half share of the estate, but there also is the difficult question about ascertainment of "income". I need not say anything more with regard to that clause.

Now, with regard to the Dayabhaga School of Hindu law. It does not make any inroad on the joint family, because a sonless Hindu widow is entitled to inherit her husband's property. There is the question of adoption, as there is also provision for a sort of enforced partition between her and her sons. As is well known, it has been held by the Privy Council that a widow making an adoption may enter into a contract with regard to her maintenance and that has been held to be valid. Therefore, it may be possible to urge that this provision is absolutely unnecessary. These and there are other important questions, which require consideration. I submit, therefore, that the House will accept my amendment that this measure should be circulated for opinion. I do not think I need add anything more.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933."

**Pandit Ram Krishna Jha** (Darbhanga *cum* Saran : Non-Muhammadan) : Sir, I beg to support the motion for circulation. This is really a difficult matter and it is just, right and proper that the country should be consulted on a Bill like this. There seems to be not much difference of opinion on this side of the House on the circulation motion. I, therefore, support this motion, and my humble suggestion is that the question be now put; because there are good many Bills on the Agenda.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I am very sorry that the Honourable Member who is the author of this Bill is not in his seat when we are discussing this measure. The Honourable the Law Member has been pleased to move a motion that the Bill be circulated for eliciting opinion thereon. Honourable Members are well aware that Diwan Bahadur Sarda has been engaged with this reform since 1921 and, ever since that time, he has tried his best to draft a measure which would give some right to a widow in the property of her husband. During the last four years, he has been drafting measure after measure, and this is the latest. As my Honourable friend, Diwan Bahadur Sarda, is not a lawyer, he had to seek the assistance of some of his legal friends. Every time he tried to bring in a Bill for a reform in one direction of the Hindu law, it was found to be giving way in the other direction. The House, in spite of the modifications that Diwan Bahadur Sarda was able to make in the Bill, threw it out. So, I think it will be an act of kindness on the part of the Honourable the Law Member to call Diwan Bahadur Sarda and draft a proper Bill for him in order to give effect to the central idea which had been guiding him all along to draft this measure. There are one or two important matters and I think I must make an observation or two on each one of them for the simple reason that if this Bill were to go to the public—and Mr. Jha has just said that there is no difference of opinion on this side of the House about this motion—they must know as to what we think about it and in what way we want the public to direct its attention on this measure. I am glad, my Honourable friend, Diwan

Bahadur Sarda, has now come. On an earlier occasion, when he moved his first Bill on the floor of this House, he said that he had the assistance of no less a personality than that of the Law Member of the Government of India, who was the predecessor of the Honourable gentleman opposite. Sir, I do think that it is very difficult to believe that the Law Member of the Government of India could have been responsible for a measure of this description, because, if I remember aright, on the last occasion he made a vehement attack on Diwan Bahadur Sarda with regard to at least one power taken away under this Bill, namely, the testamentary power of a Hindu. When Diwan Bahadur Sarda drafted his Bill on the last occasion, Government said that it would take away the testamentary powers of the Hindus and it was one of the grounds on which the Honourable the Law Member opposed it. So, I was very much surprised to find in this Bill a provision which, if rightly understood, would curtail the powers of a Hindu on his powers of disposal of his property whether ancestral or self-acquired, whether he is under the Dayabhaga or Mitakshara. Sir, the man has always the right to dispose of the property which he has acquired, at any rate under any system of Law.

Now, clause 6 runs thus :

“ The maintenance, to which a widow is entitled under this Act, shall be a charge on the estate left by her husband, or the estate which belonged at the time of his death to the undivided family of which he was a member when he died, and shall not be affected by any testament which a husband may make during his lifetime to the detriment of the widow's rights as secured to her by this Act.”

What does that mean ? It means this. Under the provisions of this Bill, Diwan Bahadur Sarda would like to give, in case the husband dies leaving no sons, the entire estate to his widow, but, if there are any sons, then she should get an equal share of the property along with her sons whether it was under Dayabhaga or Mitakshara. Take, for instance, the question of a husband leaving a widow without any sons. Under the provisions of this Bill, that widow would be entitled to the entire estate of the husband. Now, if you read the last clause, you will find that it says that the rights secured to this woman should not be disposed of by the husband in any manner during his life time. That is to say the man is allowed to earn, but not to spend it since it would affect the right created for the woman in the entire property. He does not make any distinction between the self-acquired property and the ancestral property. Therefore, the effect of it is that during the life time of the husband, he cannot deal with the property in a manner which may be construed to affect the rights given to the widow under this Bill. In other words, what Diwan Bahadur Sarda wants is to create for the husband a widow's estate. If rightly understood, it is not even a widow's estate. It is merely a life estate, because a widow's estate, as the House is aware, is something more than a life estate. She has always got the power to alienate property under certain limitations. She can make small gifts of property and even sell the entire property if the income is too small to maintain her in comfort, and so forth. I, therefore, consider this measure as a retrograde measure so far as that aspect of the Bill is concerned. Again, my Honourable friend, Diwan Bahadur Sarda, was pleased to state that, in accordance with the wishes of this House, he modified his Bill, inasmuch as he does not propose to give any share to the widow under this Bill. Has he done that now ? I submit, no. He gives under certain conditions the entire estate to the widow and, under certain other conditions, he gives the income of

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that estate in equal shares with sons if there are any sons. Is this a satisfactory solution or modification of the measure in consonance with the approved and expressed views on this House on the last occasion ?

I would further like to point out that there is one difficulty which must present itself to all of us and, as regards that difficulty, I might quote the words of the Advocate General of Madras. On the last occasion, the Advocate General of Madras was pleased to state :

“ The lawyer looking on the Hindu law as a system from the scientific point of view may well feel apprehensive that the Bill may produce anomalous results and have the effect of converting the Hindu law into a mongrel system without any basic principles to guide us. Piecemeal legislation on any particular topic in the field of Hindu law which appeals to a particular legislator is sure to bring about inextricable confusion.”

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Who is to introduce a code of law ?

**Mr. B. Sitaramaraju** : My Honourable friend is labouring under the same delusion which my Honourable friend, Diwan Bahadur Sardar, was labouring under on the last occasion. Diwan Bahadur Sardar, on that occasion, was saying, if you do not want to make piecemeal inroads into the Hindu law, do you want me to cast the whole Hindu law into the sea and introduce a different system altogether ? That is not what was said even by the Advocate General of Madras and other learned advocates on the last occasion who went into this question. They said that the Hindu law was such a complicated system that to attempt to go into it.....

**Diwan Bahadur Harbilas Sardar** (Ajmer-Merwara : General) : What law is not a complicated system ? Is the Hindu law alone a complicated system ?

**Mr. B. Sitaramaraju** : It is much more complicated than others.

**Diwan Bahadur Harbilas Sardar** : The Hindu law is less complicated than the English law or the Roman law. If my Honourable friend had studied Hindu law, he would find that it is less complicated.

**Mr. B. Sitaramaraju** : I am sorry my Honourable friend has not yet learned to understand a law about which he tries to speak with assurance. But let me proceed. On the last occasion, what the learned Vakils and other Advocates, who gave expression to their opinion on this matter, said was, the law being such a complicated system, so far as the Hindus were concerned, it was far better you took one group of that portion of the law, for instance, the law relating to women under the Hindu law. You can make there such changes and see that, in making those changes, you do not do injustice to other interests concerned. That was what those learned Advocates said. They do not state, a new code of laws should be substituted for the Hindu Law as my Honourable friend, Mr. Jadhav, would like the House to understand, but even that is not impossible if he were to remember that even at the present moment in Travancore there was a committee appointed to go into the whole question of the Hindu law and to make changes to suit the present day needs and to see whether such modifications could not be made in the whole system so as to bring out a new code of laws. That was done by the Travancore State.

**Diwan Bahadur Harbilas Sarda :** My present Bill makes no modification of the Hindu law at all. It does not touch any principle of the Hindu law. The question of maintenance is a part of the Hindu law and it is well known that my Bill only provides how this maintenance is to be calculated. No principle of Hindu law is at all affected by this Bill and, therefore, all these remarks are irrelevant.

**Mr. B. Sitaramaraju :** I do not mind being drawn into a discussion with the Honourable the Law Member, but I do not want to enter into a discussion with my Honourable friend, Diwan Bahadur Sarda, whose views of Hindu law seem to be different from those of ours. I would, however, like to give a fair understanding of the problem which has been troubling my Honourable friend, Diwan Bahadur Sarda. What he wants is to give a fixed amount of maintenance to the Hindu widow. So far so good. It is not difficult to appreciate that. But, according to him, the amount of maintenance which he would like to give is the income of the entire estate of the husband when joint, if he dies without sons and an equal share if he has sons. He says that so far as the right of maintenance is concerned, it depends mostly upon the pleasure of the relatives of the husband. This is wholly incorrect. The maintenance of a Hindu widow does not at all depend upon the sweet will and pleasure of her husband's relatives. It depends upon what the Courts think to be a proper maintenance to be given to a Hindu widow, because the ultimate authority in all these matters is the Court and the principle which guides a Court in giving maintenance to a widow is this. The amount of the widow's maintenance is to be settled having regard to the value of the estate, to the position and the status of the deceased husband and of the widow as well as to the mode of life of the family during the husband's life time and also having regard to what amount would be sufficient to allow the widow to live consistently with a widow's position in the same degree of comfort and with the same reasonable luxury of life as in the husband's life time ; and her proper maintenance should include " not only the ordinary expenses of living, but also that which she might reasonably expend for religious and other duties incident to the station in life which she might occupy ".

These are the principles upon which the Courts decree a proper maintenance of a widow. On an earlier occasion, my Honourable friend, Diwan Bahadur Sarda, said that it was true that Hindu widows, most of them being illiterate, did not know their rights. But, may I ask, whether an extension of her rights would make her know more of her rights than she knows now ? That is not the remedy. I have no objection if a certain portion of the income is to be definitely settled, if that can be considered a desirable change in law ; but, before you ask a definite portion of the income of the estate to be given to a widow, you have to consider what is the existing position of the law. It is very elastic. It gives power to a Court of law, in its unfettered discretion, to judge from all the attending circumstances as to what would be a proper amount of maintenance to the widow, whereas a hard and fast rule would not be of the same value as an elastic rule which the law now has. That is one point for consideration.

Another point which I should like to mention is that there are a number of other interests besides that of a widow which require to be considered. There are the interests of other persons entitled to maintenance. There are the marriage expenses and similar other charges. If the

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widow gets the whole income according to this Bill, how are those other interests to be safeguarded? Would the maintenance of unmarried daughters, and other persons, male and female, liable to be maintained, be a charge on the widow's income? It will not be. Therefore, that point also has to be considered. As regards the idea of my Honourable friend to have a sort of uniform law for the whole of India with regard to the rights of women, that is a much bigger job than he really thinks. Because, here in this country, there are many systems of law; there is the *Dayabhaga*, *Mitakshara*, *Mayukha*, and there is also the *Marumakkathayam* system of the south. Then, there are also the customary laws governing other people. At one time, it was the ambition of my Honourable friend to have one law with regard to this subject throughout the whole of India, but it was found, when the opinions were collected on the last occasion, that there were systems of law like the *Marumakkathayam* law of the south, where the rights are more than he can hope to give under this Bill. So he has confined the Bill now to only *Dayabhaga* and *Mitakshara*. These two are entirely different systems. I have no objection if any one system, taken by itself, requires any modification if such modification is made in the light of modern conditions. I would welcome it; but to group entirely different systems of law and try to pick out one which is good here and another which is good there and try to make out a law appears to us not proper and this may lead to results which my Honourable friend would never agree to have.

Sir, I would like, with a few words more, to conclude now. The whole difficulty of those governed by *Mitakshara* is this. I will give one example to show how we, who are governed by the *Mitakshara* law, find it difficult to accept these provisions. The difficulty is this. Supposing a father is dead. There is a mother. The son leaves the mother and his widow behind with two sons and daughters. According to the proportion in which the income is to be divided under these provisions, assuming the income is Rs. 1,000 a year, Rs. 500 would go to the mother, Rs. 250 would go to the son's widow and the two grandsons will have only Rs. 250. That is, out of this estate of Rs. 1,000, Rs. 750 will go to the two women and Rs. 250 will be all that will remain to the two sons and, with that income of 125 each, they will be under obligation to maintain the other members of the family, such as unmarried sisters, etc., who have a right for maintenance. I do not think it is at all fair.

**Diwan Bahadur Harbilas Sarda :** It will not be the duty of the sons to maintain the mother and the grandmother after they have had their share.

**Mr. B. Sitaramaraju :** I was saying that the mother will get Rs. 500, the son's widow will get Rs. 250, and the grandsons will only get Rs. 250 and the grandsons will have to maintain the others entitled to maintenance.

**Diwan Bahadur Harbilas Sarda :** If I have heard Mr. Raju aright, I say that the grandsons will not have to maintain either the mother or the grandmother, because they have got their shares.

**Mr. B. Sitaramaraju :** I never said that they still will have to be maintained after taking the son's share of the income. The whole trouble with Diwan Bahadur Sarda is that he does not understand the others' point of view. What I was saying was that there were other people like



unmarried sisters and also even male members who were required to be maintained out of the income of the estate, and they would have to be maintained by the grandsons who had so small a share. Is it fair ? So far as I can understand public opinion in my part of the country, I think people, who are governed by the Mitakshara, would strongly object to changes of this description in their law.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, let me assure the House that I am not going to bore the House with observations on principles of Hindu law and their institutions and customs. If I rise at all, it is only to point out that clause 5 of the Bill is quite unnecessary. We belong to the *Dayabhaga* School and I am not concerned with what happens to my friends, Mr. Gaya Prasad Singh and Pandit Ram Krishna Jha. Sir, I think every student of law knows that, under the *Dayabhaga*, a son is bound to maintain the mother if he inherits his father's property, and, if there is a partition between the sons, the mother gets a share. I do not know what was the necessity of incorporating this *Dayabhaga* law, about which it seems my Honourable friend has no knowledge, having administered the law in a province where *Dayabhaga* does not prevail. So I submit that he has not taken the same care as we would expect from a man of his erudition in framing this Bill. Be that as it may, as the Law Member has asked for circulation, and it seems that every one of us is agreed on that point, let us have circulation without further boring the House with our own views about the law on this and that subject.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division : Non-Muhammadan Rural) : Sir, this Bill has been introduced to fix the amount of maintenance to which Hindu widows are entitled and to make that maintenance a charge on their husbands' family property, and this shall not be effected by any testament which a husband may make during his life time to the detriment of the widow's rights as secured to her by this Act. In this Bill, the Mover only wants to lay down certain broad principles which, without attempting to alter the Hindu Law of Inheritance, may to some extent mitigate the sufferings to which the Hindu widows are subjected owing to the absence of provisions in the Law of Inheritance.

Sir, nobody can deny that the plight of Hindu widows requires amelioration and sympathy should be shown to them. So it is a necessary piece of legislation as it affords great relief to Hindu widows whose rights, under the existing system of Hindu Law, are meagre and require to be enlarged in view of the rapidly changing conditions of the Hindu society in modern times. But I would, however, like that suitable provisions should be made in the Bill to make it clear that a Hindu widow, whose maintenance would be fixed, would enjoy that maintenance as a charge on her husband's property as long as she does not re-marry. I think the little comfort that a Hindu widow requires should be ensured by law by fixing her maintenance as long as she does not re-marry. This Bill, if passed after some improvement in addition to doing good to the widows, will help in strengthening the joint family systems ; for, the widows, even if not starved, are oppressed and ill-treated and will remain in their families and keep the family together and keep up the old traditions of Hindu society. Thousands of widows are driven away from their

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homes and the way they are forced to live is a standing disgrace to Hindu society. If their maintenance be fixed, they will add to the unity and the happiness of the whole family for, as Manu truly says, "where women are respected, the families prosper and happiness reigns". A happy and contented widow will bring a sunshine to a family otherwise darkened by shadows of family differences. This Bill does not give any right to the Hindu widow to become the sole owner of her deceased husband's personal property, it is only for fixing her maintenance, and no son, grandson, great grandson or anybody, to whom the Mitakshara or Dayabhaga gives any rights, can be disinherited by this. As to what should happen to the share in case she re-marries, may be clearly set out by a clause in the Bill and such other defect as may be found in the Bill in its present form can be set right whenever this Bill will go to the Select Committee. Sir, the views mentioned above are my personal views, but I would like to obtain public opinion before this Bill is passed into law, as there should be no change in our laws framed by the venerable Rishis of old without obtaining the opinions of Hindu Jurists and of the Hindu community which would be affected by it. So, the Bill should be circulated for eliciting public opinion thereon.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, it is not necessary for me to enter into the details of the Bill. There has been sufficient criticism from the learned Law Member and also from Mr. Raju. If any criticism is necessary, the last clause in the Bill is not only obnoxious, but is absolutely dangerous. The last clause in the Bill is to prevent testamentary disposition by the deceased owner of his property so as to prejudice the rights of the widow. Now, if a sonless man dies, the widow, according to the Bill, will be entitled to the whole income. Supposing the income is more than a lakh of rupees, the widow will get it, but the testator will not be able to make any testamentary disposition for charitable purposes or for other purposes : he will have to leave the whole of the property to the widow. That is a thing which is preposterous on the face of it. It is, therefore, necessary that the Bill should be circulated, and I support the motion moved by the Honourable the Law Member : but my grievance is that the time to report is too short. It has been fixed at 31st December, 1933. The matter is a very complicated one and will raise more complicated issues than we think of. To take one instance, what would be the condition of a widow who goes wrong the day after the husband dies ? Will she be entitled to continue to enjoy the whole of the income during her immoral life ? Of course I know that the British Indian Hindu law on the subject favours the immoral widow to continue to enjoy the whole of the property : but that was not the intention of the Shastrakars or of the original Hindu law ; but that has been made case law by the Indian Courts, by Judges who did not understand the Hindu law, but who took only the opinion of Pandits. This also ought to be considered by a progressive man like Diwan Bahadur Harbilas Sarda. Under these circumstances, I support the motion, but I would like that the time may be enlarged a bit to enable all shades of public opinion including Hindus and learned men to give their considered views on this subject. Five months is not enough to change a law which has been in existence for centuries and centuries.

**Some Honourable Members** : The question may now be put.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir I fully recognise that this is not the stage when we should make long speeches—at least we should not go into the contested points which are involved in this question which, I may say, might throw Diwan Bahadur Sarda into rage. My point at present is that it cannot possibly be said that this small Bill is without difficulties ; and I am in full agreement with the Honourable the Law Member that there are several questions to be considered. My Honourable friend, Diwan Bahadur Sarda, should not be under any misconception that I will not help in his progressive measures ; but I must say that the principles and practices, which Hindus from time immemorial have stuck to, cannot be lightly treated now. So, without going into the merits of the case, I will make a few observations as regards the difficulties to be solved and upon which public opinion is absolutely necessary. First, as we all know, the normal condition of Hindus is that of a joint Hindu family. If my word is not accepted, I can quote authorities. Now, this Bill is likely to cause disruption in the joint Hindu family system. We are accustomed to the joint Hindu family which is so very felicitous to our conditions and very helpful too. But now Western influences have come in to teach us individuality ; the wife is allured by individuality to be by herself ; the husband does the same thing ; the son does not like to be joint with the father, and so on. Therefore, my fear is that this may not disrupt our society. There is a motto in western countries “ Every one for himself and God for all ” which we should beware of. Therefore, this is a point upon which the public must be given a voice. I personally, however, had to belong to a joint Hindu family, not only of sons, but of brothers, and so I know what advantages there are in it. I shall not now go any more into the disadvantages which prevail owing to the present Western waves. Next is the question of survivorship with the joint Hindu family. Of course, Bengali gentlemen do not care for that and they will not consider whether survivorship lives or not. But survivorship has lived and done great good. This also must be considered. The third very important question is this : the Bill says :

“ Whereas it is expedient to fix the amount of maintenance to which Hindu widows are entitled and to make that maintenance a charge on their husbands' family property.”

Now as to the latter portion about making it a charge on the family property—it is not even necessary to legislate : the existing Hindu law has already provided for it ; the property which is inherited is always subject to maintenance being a first charge upon it. Therefore, what we are concerned with is the first portion. It may be said that everybody has got sympathy with the widow and the law allows maintenance to be given to the widow which will be a charge on the property. But the point that progressive members of the society want is to fix it. But how very difficult it is. I may give just one instance to show that it might be detrimental to the interests of the widows themselves if this maintenance is fixed. I illustrate it by a living instance. A man left property worth Rs 1,000. If half the property had been given to the widow, she would have got Rs. 500. In the instance I am giving, the widow lived for about fifty years after she became a widow. If she had got only Rs. 500, what would have happened to her ? Could she possibly have lived on that amount for fifty years ? The joint family members were solicitous to her and were also conscious of the fact that they should not

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give her a lump sum, but that they should give her some allowance and they fixed it at Rs. 10 a month, and, for fifty years, she got this allowance, amounting in all to Rs. 6,000. Therefore, I say, if you are going to fix the amount, you might be doing great harm to the widows. I agree that on this and the other questions public opinion should be obtained by circulation and a very wide one, so that all kinds of people may give their views, and, after that, we might consider whether the Bill should or should not be passed. I, therefore, support the amendment.

**Diwan Bahadur Harbilas Sarda :** Sir, I am very sorry I have not had the advantage of listening to the speech of the Honourable the Law Member when he proposed the amendment to my motion in regard to circulation. As I had not been quite well, I was not able to come earlier. I am, therefore, not in a position to say anything as to what has fallen from him. I came in when my friend, Mr. Raju, was speaking, and

1 P.M.

I should like to say a word or two with regard to certain observations that he made on this Bill. He said that this Bill would do away with the testamentary rights of the husband and that if the husband wishes to make a testament with regard to his property if this Bill is passed, he would not be able to do so. Now, if a husband wants to make a testament depriving his widow of any interest in the property to which she becomes possessed after his death, then certainly the husband should be prevented from making a testament to the disadvantage of his widow. If the husband does not make any testament which is disadvantageous to the widow.....

**Mr. B. Sitaramaraju :** What about self-acquired property ?

**Diwan Bahadur Harbilas Sarda :** Whether self-acquired or not, under the ancient Hindu law, as soon as a woman is married to the man, she becomes the co-owner of the property. There are any number of texts to show this, but all that is gone now ; still I bow to the principles on which the present Hindu law is based. I ask, Sir, does a woman, when she is married, cease to have any rights in this world ? Does she become rightless ? Does she become a stone or a piece of wood ? Has she not a soul ? Has she not got a life to live in this world ? Why should you deprive that woman of all her legitimate rights ? Why should you ignore her, when you are so solicitous of the rights of all the reversioners or survivors and other people in the world ? My friend, Mr. Raju, is so solicitous of the rights of the survivors or the reversioners, but what about the widow who passed all her life with her husband, and who bore him so many children ? Is she not to have any rights ? You do not want to look to her interests and rights, while you are anxious to protect the rights of the survivors and reversioners. This is the mentality, the slave mentality of my countrymen today. So long, I say it with all the emphasis at my command, so long as our people do not do justice to their womenfolk, they will live in perpetual political subordination. So long as you are not just to your own mothers, to your own sisters, so long as you are not just to the women, you will not get justice yourselves. You do not care for the poor woman, you only care for yourself, and if you continue to keep up that mentality, I am sure you are doomed.

My friend, Mr. Raju, quoted the Advocate General of Madras, but I say with due respect, Sir, that all that the Advocate General said is now irrelevant, because what he said pertained to my last Bill which gave the widow a share in the property of her husband, and that, of course, did interfere with the law of inheritance which obtains among the Hindus. But this Bill does not give a share to the widow, this Bill does not give her any absolute right in any property. It only regulates the amount of maintenance to be given which is recognised by all schools of Hindu thought. What that maintenance shall be, I have tried to fix. If it does not meet with the acceptance of this House, the Select Committee can alter it. I don't mean to say that what I have fixed is irrevocable like laws of the Medes and the ancient Persians. My object is that the Hindu widows in India should be put in a better position. That is all. If any changes have to be made in the Bill, the Select Committee is the proper forum where this can be done. Circulation will not help. Circulation does not mean that every man to whom the Bill is circulated will give his opinion, in detail; but even if everybody gives his own suggestions, they will all have to be considered in the Select Committee.

My friend also read out some portion from some judgment, I believe, which said that the amount of maintenance which should be given to a widow must be regulated by certain considerations. I quite agree, but those principles have no statutory force; they are not law. They are merely principles which may or may not be acted upon and which, in 99 cases out of 100, are not acted upon at the present time. I know of cases,—I have been a Judge myself,—I know of cases which came before Courts, in which Hindu widows were given sometimes Rs. 4 and Rs. 5 a month while, when their husbands were alive, they had servants and a good house. (At this stage several Honourable Members were laughing.) My dear friends, it is no use laughing, but if you go into these matters carefully and investigate the thing, you will find that the condition of widows in many cases is most deplorable. And why? Because they have no legal rights. If they had legal rights, the case would not have been so bad, but because of lack of legal rights their condition is hopeless in many cases. I quite agree that in many cases in respectable families the condition of the widows is not at all bad. Their word is law. I know of widows who exercise paramount authority in household affairs. I don't mean to say that every widow in India is in a deplorable condition—not at all, but there are many who are in a very deplorable condition, and, to ameliorate their lot, I have brought forward this measure.

My friend spoke about a case in which a man left property the income of which was Rs. 1,000; according to the Bill, my friend says, she will get Rs. 500, the son's wife will get Rs. 250, and the grandson will get Rs. 250, and he will have to maintain the family. As I heard him, I thought that he meant that the charge of maintaining the grandmother and the mother would be on him, but he explained later that he did not mean that. What he meant to say was that the grandson had to maintain the sisters and other members of the family. I do not quite see the point of his argument. He will have to maintain them. He is the male member of the family, he is the earning member of the family. He has got to live in this world with his family and he has

[Diwan Bahadur Harbilas Sarda.]

got to maintain them. Supposing his father or grandfather did not leave a single pie, would he not still have to maintain them? So, that question is beside the point. He has a legal liability to maintain them. He is under a legal liability to arrange and to provide marriage expenses for his sisters. But the point is these cases are very few. You will find that the provisions of this Bill in no way go against the other provisions of the Hindu Law. If they do, I have no objection to modifying the thing. I do not want that this should be absolute. This is only a sort of standard that I have put down for general guidance. If the Select Committee thinks that certain modifications should be made in order to be just to everybody, I have no objection to those modifications being made. When I asked that this may be referred to a Select Committee, it meant that if there was anything which could profitably be amended in the provisions of this Bill, the Select Committee would take that action.

Some friend of mine said that the law prevalent in South India is more liberal to women than the Mitakshara or the Dayabhaga law. Let it be so. If it is so, I have no quarrel with it. If the widow's condition, if the legal status of a widow under that law is better, well and good, I have nothing to say. This Bill won't apply to them. Where the legal position of a widow is bad, is deplorable, it is there only that this law will apply.

The question of amending the Hindu Law, I admit, is not a very easy one, but this Bill does not amend the Hindu Law at all. It is perfectly correct that when you amend any part of a system of law, you have got to keep in mind the bearing that that amendment will have on other parts of that law. I quite agree, but, as I have said over and over again, this Bill does not amend any principle of the Hindu Law, and consequently all arguments based upon that point of view are not relevant.

It has been said, and it will be reiterated in future always whenever any measure of social reform is proposed, that it is not right to amend the Hindu Law piecemeal. This is an argument which has absolutely no force.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House stands adjourned till Half Past Two.

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

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

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**Diwan Bahadur Harbilas Sarda** : Sir, a few minutes ago, an Honourable Member of this House asked me why should a husband be prevented from exercising his testamentary rights and leaving his widow unprovided for, if she does not obey him. Now, I want to ask him what happens if the husband acts improperly. Another question was, what, if she goes wrong? I asked what, if the son goes wrong, if the male members of the family go wrong and waste the whole of the landed property, leaving the

women unprovided for and starving ? Has any gentleman, who is solicitous of the rights of the male members, brought forward any Bill to restrict the rights of a male member, if he is on the high road to ruin. Unfortunately the fact is that the very conception of a woman, her status and her rights, held by some of my friends, is defective, prejudiced and unjust. Many of these gentlemen regard women as chattel, as born only to minister to the needs of men, to pass their lives as slaves, as household necessities, but without any independent existence, without any legal rights of their own. The husband commits no wrong. Just as in England the King commits no wrong, in Hindu society, the husband commits no wrong. A woman always does wrong if she does not obey her husband in every detail. Unfortunately this is not Hinduism. This is not Hindu Law, so far as the texts go. My friends are unwilling to give women their rights, elementary rights, in fact the very first step towards doing them justice that this Bill wants to do, and themselves want more and more liberty, more rights and more justice for themselves from Government. May I respectfully beg them to prove themselves worthy of the rights they themselves ask for, of the justice they demand by giving their own mothers, sisters and daughters their rights and treat them with a little more justice.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to fix the amount of maintenance to which Hindu widows are entitled be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933.”

The motion was adopted.

## THE INDIAN “ KHADDAR ” (NAME PROTECTION) BILL.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Sir, I beg to move :

“ That the Bill to provide for the protection of the names ‘ Khaddar ’ and ‘ Khadi ’ used as trade descriptions of cloth spun and woven by hand in India, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Joseph Bore, the Honourable Sir Frank Noyce, Mr. Abdul Matin Chaudhury, Sir Lancelot Graham, Mr. S. C. Mitra, Sardar Sant Singh, Mr. B. R. Puri, Mr. S. C. Sen, Mr. Vidya Sagar Pandya, Mr. Uppi Saheb Bahadur, Mr. J. Ramsay Scott, Raja Bahadur G. Krishnamachariar, Khan Bahadur Haji Wajihuddin and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, when this Bill was last before the House, on which day the motion for circulation was carried, I explained very briefly the object of my Bill. The object is to protect the names “ Khaddar ” and “ Khadi ” under the Merchandise Marks Act, and to prevent spurious cloth, which is produced in mills either in India or in foreign countries, from being palmed off on the unsuspecting public under the names of “ Khaddar ” and “ Khadi ”. I quoted on that occasion the appropriate section of the Indian Merchandise Marks Act which gives the definition of trade description. Section 2 of the Merchandise Marks Act gives the definition of trade description, and, under section 6 of that Act, anybody who applies a false trade description to goods is punishable with fine or imprisonment.

Sir, I am glad to acknowledge with gratitude that on that occasion, in making the motion for circulation on this Bill, my Honourable friend, the Commerce Member, gave an assurance to this House that in making that

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motion the Government did not necessarily intend to oppose the Bill. Since opinions have been collected on this Bill, you will find that there is a consensus of opinion among the public bodies and individuals in favour of my Bill. I will have to quote the opinion of some of the individuals and public bodies who are in favour of my Bill. Sir P. C. Roy from Calcutta says in his letter to me, dated 9th March last :

“ Allow me to express my sincere thanks for giving notice of a Khaddar Act to prevent the manufacture and sale of spurious Khaddar. During the last twelve years, I have worn myself out both for the manufacture and propaganda of Khaddar. Along with Sreejuts Rajagopalachariar, Rajendra Prasad and other workers, we have tried our best to create a taste and a demand for Khaddar. Unfortunately, dishonest manufacturers of spurious Khaddar have been trading upon the patriotism of the ignorant people with the result that there is a set back in the sale of genuine Khaddar to our serious loss and detriment. I trust you will persist in your noble efforts and I hope they will be crowned with success.”

The Federation of the Indian Chambers of Commerce and Industry have also supported my Bill, and also the Bihar and Orissa Chamber of Commerce. Then, the Muslim Chambers of Commerce of Bihar and Orissa have also supported my Bill. In this connection, I should like to know from the Government as to the way in which such Bills are circulated for the purpose of eliciting opinion thereon, because, from the printed papers that are before Honourable Members, they will find that the names of the Bihar and Orissa Chamber of Commerce and some other bodies are not mentioned there. I do not know whether the Local Governments concerned consulted those bodies or not, but the fact remains that their opinions do not find a place among the printed papers that are before Honourable Members. Coming now to Bengal, I find that the Anglo-Indian and Domiciled European Association of All India and Burma, Calcutta, the Bengal Chamber of Commerce, Indian Chambers of Commerce, the Bengal National Chamber of Commerce, all of them support the principle of my Bill. The Bengal Chamber of Commerce says :

“ The Committee of the Chamber have examined the provisions of the Bill in consultation with the Piecegoods Sub-committee of the Chamber and I have to inform you that they see no particular objection to the Bill. In the opinion of the Chamber Committee it would be to the advantage of the trade if the use of terms Khaddar and Khadi were confined strictly to the genuine article, namely, handmade cloth from hand-spun yarn.”

The Indian Chamber of Commerce strongly recommends to the Government that the Bill should be passed for the protection of hand spinning and hand weaving. The Bengal National Chamber of Commerce also say that they do not think that there will be any difficulty in enforcing the provisions of the Bill, and that the trade custom confines the use of the term “ Khaddar ” to cotton piece goods woven by hand from handspun yarn. Then, Sir, the Madras Government have supported the principle of my Bill, and I beg to express my thankfulness to that enlightened Government whose representative we welcome in this House. The Madras Government say :

“ The term ‘ Khaddar ’ or ‘ Khadi ’ does signify in common usage cloth woven on hand looms from hand spun yarn.”

Diwan Bahadur Narasimharaju Garu, the ex-President of the Madras Legislative Council also supports my Bill, and says :

“ The words ‘ Khaddar ’ and ‘ Khadi ’ have acquired a specific meaning and the market and trade custom does confine the use of these terms to cotton goods woven by hand from yarn spun by hand. I may mention that there will not be any administrative inconvenience when the Bill becomes law.”



The Tuticorin Chamber of Commerce, the Malabar Chamber of Commerce, Calicut, the Calicut Chamber of Commerce, the Indian Chamber of Commerce, the Godavari Chamber of Commerce, Coconada, the Coconada Chamber of Commerce, the Southern India Chamber of Commerce, Madras, the Madras Press Association, the Buckingham and Karnatic Mills, Ltd., Madras, which I understand is a European firm and they have the fairness to support my Bill, the Madura Ramnath Chamber of Commerce, the Cochin Chamber of Commerce, all support the principles of my Bill. Diwan Bahadur C. R. Mudaliar, M.L.C., Coimbatore, says in his letter :

" In these parts trade custom does confine the use of the terms ' Khaddar ' and ' Khadi ' to cotton textiles woven from hand from yarn spun by hand " ; and that : " I do not foresee any administrative difficulty in giving effect to the Act. "

The European Chamber of Commerce of Bengal also support my Bill, so also the Edward Mills Company, Ltd., Beawar.

Then, Sir, there are some gentlemen in the N. W. F. P., for instance, the Vice-President of the Peshawar Piecegoods Association, who also support my Bill. In fact, nobody opposes it. The Mercantile Chambers of Commerce, United Provinces, Cawnpore, say that it would afford protection to the millions now engaged in the manufacture of " Khaddar " and the chances of the deception now prevalent will be greatly alleviated. The Hindustani Mercantile Association of Delhi, the Industrial Surveyor of Delhi, support my Bill. The Director of Industries, Bihar and Orissa, says :

" It seems clear that the Bill has the support of Indian public opinion. "

Most of the gentlemen in Assam to whom this Bill was sent for opinion have also supported it. The Government of Bombay says as follows :

" The majority of the commercial Associations who were consulted support the Bill, while the Bombay Chamber of Commerce and the Bombay Millowners Association are not in favour of it. "

With regard to the Bombay Chamber of Commerce, I find from their letter that they are not so much opposed to the Bill on principle, but they foresee some difficulty in administering its provisions.

The Federation of Indian Chambers of Commerce and Industry, the Indian Merchants' Chamber, the Maharashtra Chamber of Commerce and the Marwari Chamber of Commerce, the Bombay Piecegoods Association, the Bombay Cotton Merchants and Mukhadams, the Ahmedabad Millowners Association, the Karachi Indian Merchants Association, the Karachi Chamber of Commerce, the Buyers and Shippers Chamber of Commerce of Karachi all support my Bill.

I now come to the opinion of the Millowners Association of Bombay of which my Honourable friend, Mr. Mody, is the President. At the outset, I stated that this Bill sought to protect the names of " Khaddar " and " Khadi " from the dishonest manufacturers of spurious articles. I am not surprised that those who indulge in such shady transactions and who are trading upon the patriotism of the people should be the people to oppose my Bill. These gentlemen, when it touches their pockets, come here to this House with begging bowls, not only do they come to the floor of the House, but they also follow us in the lobby and seek our support when they are in dire need. But when it comes to the question of affording legitimate protection to the indigenous industries of this country, I mean the hand loom cottage industries, they come out in true colours. My Honourable friend,

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Mr. Mody, is solicitous for the support of this House with regard to the Bill which is now pending, and which, I am glad to say, was not finished yesterday, because the attitude of many of us with regard to his Bill will be determined by the attitude which he takes up here on my Bill. If my Honourable friend is sincere in his profession, with regard to protecting the mill industry of this country, he should at least have the fairness to appear in cloths produced in his own mills, whereas I find he is distinguishing himself in borrowed plumes, and appearing in British costumes.

Well, Sir, the Burma Chamber of Commerce raises no objection to my Bill. The Burmese Indian Chamber strongly supports the Bill, as also the Chettiyar's Association. The Chinese Chamber in Burma does not oppose the Bill. If it is the desire of the House that I should read out the Bombay Millowners' Association's opinion, I will do so. They say :

"According to the Statement of Objects and Reasons appended to the Bill the names 'Khaddar' and 'Khadi' have come to denote hand-spun and hand-woven cloth only. It is pointed out that considerable progress has been made in recent years in reviving and popularising as a cottage industry spinning and weaving by hand as a supplementary occupation among the agriculturist population of this country, who stand in need of an additional source of income. Such progress as has been achieved is very largely supported by the patriotic impulse of the poorer and well-to-do classes who are purchasing khaddar or khadi even at a sacrifice. The situation is sought to be taken advantage of by manufacturers of spurious khaddar both in India and abroad, and purchasers have been frequently misled to the detriment of what might easily become a great national industry. In other words, it is contended that the term 'Khadi' or 'Khaddar' means 'hand spun and hand woven cloth only', and on this contention the objection to the use of such terms by manufacturers of 'spurious' Khaddar both in India and abroad has been largely based. The Committee of this Association have examined the contention and they find that, while the Mover has himself admitted that the production of 'Khadi' on hand looms was revived and popularised only in recent years, such cloth has been manufactured by the Indian mill industry from very early times."

But, Sir, the millowners of Bombay forget that, even before the advent of mill industry in this country, "Khaddar" or "Khadi" was used, and manufactured as cottage industry in this country from time immemorial.

The Millowners' Association, Bombay, further proceed :

"The first authoritative census of Indian mill production was taken in 1896-97, i.e., after the Cotton excise duty had been in operation for some time, and in the administration report published by Government in July, 1896, a reference was made to the production of khadi in India mills and the tariff valuations under the Act published by Government from year to year since that date up to the abolition of the duty in 1926 throughout mentioned the production of khadi which was also valued at a lower figure than most of the other types of cloth. These facts show that the term in question has been commonly used in reference to coarse cloth produced in Indian mills."

Sir, this Association is evidently wrong in saying that since the time their mills began to produce this coarse khadi, the genuine stuff has come into existence, whereas, as a matter of fact, the genuine stuff has been in existence from time immemorial even before the dishonest manufacturers of "Khaddar" began to turn out spurious imitation of the genuine stuff in their mills. Sir, it will be a waste of time to read any further the stuff to which I made reference just now. I am glad to say that the Central Provinces Government have recorded the following opinion :

"With regard to the specific points on which information is desired the Governor in Council is of opinion that (a) the evidence available on the point is conflicting, but if the statements of interested concerns are discounted it would appear that trade

custom in the province confines the use of the term 'Khaddar' to hand woven cloth made from hand spun yarn, (b) it is desirable to impose the definition by law in order to protect genuine khaddar and those who produce it or buy it against spurious khaddar sold as the genuine article, (c) there should be no difficulty in administering the law in the internal markets of the province."

The Deputy Commissioner of Jubbulpore, and Akola Factory Owners Association have supported my Bill. The Government of Punjab seems to be neutral. They say that : " it is unlikely to do much harm or much good to anybody ". I will now come to the opinion of the High Court, Punjab. The Honourable Justice Sir Abdul Qadir has supported my Bill, and, in doing so, he says :

" In my opinion the Mover's observations at the end of the Statement of Objects and Reasons are quite correct that the exclusive use of these terms for this cloth cannot prejudicially affect *bona fide* purchasers or distributors of any other variety of cloth. I do not see any objection to this Bill being passed into law."

This opinion is agreed to by other Judges of the Punjab High Court including the Chief Justice. The Director of Industries of the Punjab, the Indian Chamber of Commerce, Punjab, and the Merchants' Association and the Northern India Chamber of Commerce have all expressed themselves in favour of my Bill without any qualification. The Punjab Trades Association state that the objects aimed at are sound and that the provisions of the Bill meet their support. The Deputy Commissioner, Gurdaspur, the Sub-Divisional Officer, Moga, the Punjab Trades Association, Lahore, the Simla Trades Association have all approved my Bill. I have already stated that barring the Government of Bengal all other public bodies in Bengal have supported my Bill. I will, therefore, assume that barring the few Local Governments whose opinion I presume is tinted with political bias—because this movement in favour of the propagation of "Khaddar" was supported by the Indian National Congress—I say barring the few opinions of the Local Governments, the overwhelming consensus of opinion both among the European public bodies and Indians is in favour of my Bill. My Bill does not seek to force anybody to wear "Khaddar", I only want that the trade description should confine the terms "Khaddar" and "Khadi" to cloths spun and woven by hand in India. And it is only those people who trade in spurious articles that may have any objection to the Bill. I, therefore, without taking any more time of the House, move my motion.

3 P.M.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

" That the Bill to provide for the protection of the names "Khaddar" and "Khadi" used as trade descriptions of cloth spun and woven by hand in India, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Joseph Bore, the Honourable Sir Frank Noyce, Mr. Abdul Matin Chaudhury, Sir Lancelot Graham, Mr. S. C. Mitra, Sardar Sant Singh, Mr. B. R. Puri, Mr. S. C. Sen, Mr. Vidya Sagar Pandya, Mr. Uppi Saheb Bahadur, Mr. J. Ramsay Scott, Raja Bahadur G. Krishnamachariar, Khan Bahadur Haji Wajihuddin and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : Sir, my Honourable friend, Mr. Gaya Prasad Singh, waxed indignant over the sins of the Bombay millowners yesterday and has come back to the attack and worked himself up into a state of positive fury today. He went the length of suggesting that those people who had the effrontery to oppose his very innocuous motion,—innocuous according to

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the testimony which he himself read out,—were actuated by dishonest motives. Well, Sir, I do think that my Honourable friend knows exactly what he is talking about, and if he is thinking of dishonest persons he must be speaking with experience of the parts of the country from which he hails. So far as the Bombay millowners are concerned my Honourable friend ought to know that this Bill does not affect them one bit and that their attitude is not only positively unexceptionable, but absolutely disinterested. Some three or four years ago, in response to public sentiment and in view of various discussions we had with those interested in the movement, the Bombay mills voluntarily gave up using the name “Khadi” or “Khaddar” on any of the cloth produced by them; and if, in spite of that, there are people who are using those names on mill-made cloth, then my Honourable friend ought to apply his search-light nearer home and find out whether from his own district or from adjoining districts that very class of people does not come.

Sir, if I oppose the principle underlying this Bill, I oppose it, because I think it is altogether wrong, and not because the interests which I represent are affected in any way. I have already made it perfectly clear that, if this Bill were passed, it would not affect a single mill in Bombay. We have given up the use of the names “Khadi” and “Khaddar” and we do not care whether that is enforced by legislation or otherwise. But I want to point out to the House several serious objections before this Bill is passed, or its principle accepted by reference to a Select Committee.

The assumption on which my Honourable friend proceeds is that “the Bill seeks to extend the protection afforded by the Merchandise Marks Act, 1889, to the names ‘Khaddar’ and ‘Khadi’ which have come to denote hand spun and hand woven cloth only”. Who told him that? I want to know whether he challenges the information contained in the representation which we have submitted on this question, namely, that ever since 1896, *i.e.*, since the time from which records exist, if not much earlier, the name “Khaddar” or “Khadi” has been used to denote mill-made cloth of a coarse variety. (*Voices*: “No, no.”) What is the use of saying “no” when we have got here a statement which challenges contradiction:

“The first authoritative census of Indian mill-made production was taken in 1896-97, *i.e.*, after the Cotton Excise Duty had been in operation for some time, and in the Administration Report published by Government in July 1896, a reference was made to the production of ‘Khadi’ in Indian mills, and the tariff valuations under the Act published by Government from year to year since that date up to the abolition of the duty in 1926 throughout mentioned the production of ‘Khadi’ which was also valued at a lower figure than most of the other types of cloth.”

I say, therefore, that it is entirely wrong to contend that the terms “Khadi” and “Khaddar” are associated in the public mind with hand spun and hand woven cloth only. It is perfectly true that, long before the mills started manufacturing cloth, coarse or otherwise, there was the hand loom industry in existence. As a matter of fact, it is well known that India is the birthplace of the textile industry. But it is equally true that for as many years back as we can see, mill made cloth was turned out as “Khadi” cloth, and was classified as “Khadi” cloth in official publications. Therefore, it is wrong to suggest that the name has come to denote hand spun and hand woven cloth only. That is not only the opinion of my Association, but also of other Associations. The Bombay Chamber of Commerce have said that; I think also the Bengal Chamber of

Commerce ; and one of the Punjab Chambers want to be quite assured before they can give their adherence to the principle of this Bill that the term " Khadi " is associated in the public mind with hand spun and hand woven cloth only. I will read in this connection an extract from the opinion given by the Punjab Chamber of Commerce, Delhi :

" My Committee find that trade custom does not confine the use of the word ' Khaddar ' to hand spun and hand woven cloth only but that the term appears to cover any kind of coarse cloth. They feel that if it is intended by means of legislation to restrict the term to apply to hand woven and hand spun cloth, the effect of the enforcement of the provision in the internal markets of India would be impossible to secure. They are therefore not in favour of the Bill."

It is refreshing to find an organisation which is also Indian and which cannot be accused of being reactionary in its views pronouncing very much the same view about this question as the Association which I represent, and which seems to be more or less anathema to some of my friends in this House.

An important point which the sponsors of this Bill forget is that it is not likely to help the hand loom weaver for whom so much solicitude has been and is being expressed. Now, how is the hand loom weaver going to be helped by this Bill ? It may be that a large number of hand loom weavers spin their own yarn and use it in the manufacture of coarse cloth. But there is also a very large class who use mill made yarn for this purpose. Are you going to prevent them from turning out coarse cloth and selling it under the denomination under which they have sold it all these years and perhaps, all these centuries.

**Mr. Gaya Prasad Singh :** Centuries ?

**Mr. H. P. Mody :** Yes, I am quoting your own words. You say that, from time immemorial, the hand loom industry has manufactured coarse cloth. I agree and I say that they manufactured it in the old days from hand spun yarn ; today they are using mill made yarn as well. Are you going to stop that large class of hand loom weavers who are using mill made yarn for this purpose from continuing to manufacture " Khadi " and passing it on to the market as " Khadi " ?

**Mr. Gaya Prasad Singh :** But mills did not exist in old times.

**Mr. H. P. Mody :** I am talking of the last 40 years and more during which hand loom weavers have been in the habit of using mill made yarn for the purpose of manufacturing coarse cloth and passing that on to the market as " Khaddar " and " Khadi ". This Bill, if it became law, would stop the hand loom weaver from doing so, and I want to know from the champions of the hand loom weaver whether they regard it as in his interest that he should be prevented by legislation from losing his market in the cloth which he has turned out all these years.

Then, Sir, there is this other question. Today it is sought to give a sort of legislative sanction to the use of the word " Khadi ". Tomorrow, in the interests of the hand loom weavers, somebody will come forward and say " We should have a trade mark in the word, *sari* or *lungi* or *mulmul*, because hand loom weavers have been manufacturing these cloths for centuries ; and now the mills are manufacturing and competing ; and so to preserve the hand loom weaver and in his interests we should have a sort of trade mark in those words ". My objection is that you cannot justly introduce this principle, and if you introduce it, there may be no limit to its expansion. Assuming, however, that it was right in the interests

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of a certain section that the hand loom weaver should be penalised, that the mills, which are still using the name of "Khadi" and "Khaddar" should be penalised, then what I want to know is whether my Honourable friend has made sure that the Act would be workable. On that there are certain opinions which I would like to read to the House. The Director of Industries, Bombay, an Indian officer of experience, says :

"If the mills continue to produce their present variety of cloth now termed 'Khaddar' or 'Khadi' and merely change its name under the proposed legislation to say 'Dungri', it will be, I think, quite impossible to prevent its sale as 'Khadar' in the internal markets of India. It does not seem practicable or desirable to prevent the Mills from making coarse plain cloth which can be sold fraudulently as 'Khaddar'."

In other words, even if you put through this legislation, unless you go a great deal further and actually prevent by legislation mills from turning out coarse cloth and also the hand loom weaver from turning out coarse cloth from mill-made yarn, the Act will be thoroughly in-operative and will lead to a great deal of fraud. In the same direction is another opinion, and it is from the Deputy Commissioner, Nagpur, who says :

"No amount of legislation will prevent a dealer who is determined to pass off 'mill-khadi' as hand-made 'khadi' from deceiving ignorant customers. It would be extremely difficult to give effect to the proposed legislation and on the whole I consider that it is neither necessary nor advisable."

That brings me to something which I regard as the greatest objection to the present measure, and I put it plainly before this House. To-day we are sought to be prevented from labelling particular types of coarse cloth as "Khadi" or "Khaddar". Tomorrow that may be found insufficient and it may be sought to be enacted that mills should be prevented altogether from manufacturing coarse cloth. I do not regard this as an exaggerated fear at all, because I may say that the attempt was actually made two or three years ago ; it was a very determined attempt, which we resisted with all our might. That attempt was that certain types of cloth should not be manufactured at all in Indian mills ; we said it would be utterly impossible and we would not agree. Some such idea might be lying at the bottom of my Honourable friend's Bill, and the position then is that, without going a great deal further than this legislation, it is impossible to give the protection which my Honourable friend has in view.

I would like to read just one more opinion and that is in regard to the Merchandise Marks Act in which it is sought to embody this legislation. The Government of Bombay say :

"Since it is not the purpose of the Merchandise Marks Act to restrict unnaturally the application of well-known terms which are in common use, the Governor in Council is of opinion that the Bill is opposed to the spirit and intention of that Act, and further anticipates that great difficulties would be encountered in enforcing its provisions if it were to become law."

I have put as briefly and, at the same time, as comprehensively as I can my reasons for opposing the principle underlying the Bill. I ask my Honourable friends, who threaten me and say that my attitude on this question will determine their attitude to some other question, to weigh carefully my objections and at least to give me credit for disinterestedness of motive. My Association—and I repeat that with emphasis—voluntarily gave up the use of these terms, "Khadi" and

"Khaddar", on all cloth which was manufactured and labelled for many years as "Khadi" and "Khaddar"; and, if we oppose this measure, it is because we feel that there are strong objections to it on the ground of principle. My opposition must not be construed as a factious sort of opposition on the part of people who are always out to fight for their own interests, but who ignore all other interests. I ask my Honourable friends to consider this carefully before they seek to attack on all manner of occasions the Association which I represent. I say that the Bill is wrong in principle, that it will lead to a lot of fraudulent evasion, and that, from every point of view, my Honourable friend will be defeating the very object which he has in view. If my Honourable friend still thinks the opposition comes from dishonest millowners, I say he will be very well advised in looking for them nearer home.

**Mr. C. S. Banga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, the Honourable gentleman from Bombay who has just concluded his speech rather unthinkingly gave his whole case away for the opposition to this very necessary piece of legislation. He gave his case away when he said that his own Association, of which he is so proud and which he has been representing with great ability here and elsewhere, found it necessary to fall in line with the principle of this Bill long before this Bill was brought before this Assembly. Example, they say, is better than precept ; but he wants us to follow his precept and not his Association's example. I would ask every Association, similarly situated and similarly handicapped like his, to follow the example of his own Association so that fraud, which he has been elaborating upon and dreading very much, would be reduced to the minimum. If the passing of this legislation will create on an elaborate scale fraudulent transactions, he is only incidentally commenting on the class of people who compete with the village manufacturer and with the village labourer, the hand-spun and hand-woven cloth maker. I do not think that the millowners of India are such a despicable class of people as to compete with the village labourer, with the village industrialists, on fraudulent lines. I believe that every millowner in this country will rise to the same position as the Association and mills that the Honourable gentleman has the opportunity to represent here and elsewhere. He quoted with some effect the Bombay Government's view. We have to attach, I admit, importance to the view of the Government of Bombay or of any Provincial Government in this matter. The Government after all have to work out the policy arising from a legislation. They find that the spirit of the Merchandise Marks Act will be defeated, if this Bill is passed ; but it is for Governments not to dread calamities, but to face realities. I will not go centuries back as perhaps the Mover did according to the version of the Honourable gentleman who has just preceded—I will not even go to half a century back : I would rather go to ten years back and ten years forward. Less than ten years ago, in this House, the late Pandit Motilal Nehru—who was then dressed in home-spun and hand-woven, sometimes foot-woven, because he was wearing the home-made cashmere and, therefore, he often used to say "I at any rate am encouraging hand-spun and foot-woven cloth"—I say the late Pandit Motilal Nehru was the sponsor of this Bill and, when he came forward with a Bill of this kind, he was animated by the idea of encouraging the cottage industrialist. Within the last ten years the cottage industrialist has received encouragement on a scale not known in the past. Within the last ten years there has been a public awakening in this country, an

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awakening which at the next election many of us on this side will have to face. There has been such an unprecedented awakening in this country that if this Legislature is merely to exist for the purpose of the millowners and not for the purpose of the village industrialist, I am afraid this Legislature will condemn itself as a purely capitalistic body with no kind of sympathy whatever for the indigenous cottage industrialist. I may say that we have given adequate protection to the millowner. If you weigh in one scale the protection and the cost at the expense of the taxpayer for the consideration that we have given to the millowner, and if, in another scale, you put the lack of protection you have given to the agriculturist, to the agricultural labourer who comes for six months in the year under the category of the unemployed, you will find that this Legislature has been much too lenient to the millowner. I have been consistently and persistently, both in and outside this House, been an advocate of the cause of the millowners, but if the millowners stand up and say, this protection must not be extended to the cottage industrialist, they are only erecting before them a barrier of disadvantage which they will do well not to do. They will be only inviting unnecessary trouble in a sympathetic House. So far as I am concerned, the hostility of the Honourable Member does not mean my hostility to another question affecting the millowners which may come forward in this House. I propose to examine each measure on its merits. The millowner is entitled to his protection, as the Honourable the Commerce Member has on more than one occasion adequately shown when he denounced the Japanese Convention in April last with the entire support of this House, and when he now proposes, I hope, with the entire support of this House, to enter into negotiations, unfettered, with all the encouragement that a representative of this House, the Leader of this House identifying himself with the opinion of the Opposition as well as the Government, deserves. (Cheers.) Therefore, Sir, there is no question of threat. "Threatening" was a phrase that emanated from the lips of the Honourable gentleman who preceded me. We are not here to threaten. We are here to see how much and in what manner we can encourage the indigenous industries.

My friend has told us that "Khadi" has been produced by the millowners for a long period, "Khaddar" has been produced by them for a long period. That is so. We concede that fact, and that is why we say that mill-made "Khaddar" should not, on dishonest grounds, compete with hand-spun and hand-woven. That should be known not as "Khaddar" or "Khadi", but call it by any other name you like. The millowner has an organization unparalleled in this country. The poor cottage industrialist only serves a few cottages in a village, and, therefore, why should he not seek the legitimate protection to which he is entitled under the piece of legislation that my friend, Mr. Gaya Prasad Singh, has brought forward? I would ask my friend, Mr. Mody, not to become very embarrassed. I would ask him to follow the example of his own Association which he incidentally placed before us, and I would tell him that in India there is place, very much more, for the village hand loom weaver, for the hand-spinner and the hand-weaver than for the millowner. The millowners have come to stay, and we shall give them protection, but he said almost in bathos, with very much of pathos,— "supposing you prevent the millowners from manufacturing 'Khadi' "



or 'Khaddar'." That is the right of a democracy. If, in future years, the widened electorates send a large majority of representatives who say that the mills must be abolished, neither my friend, Mr. Mody, nor myself can prevent what might happen. We are concerned with this House, and this House has nowhere threatened to abolish the mills making "Khaddar" cloth. It may be that in future, mills may be abolished altogether; it may be that the will of the future Legislatures may be that the mills should not exist; it may be that they may go back to the primitive stages of civilization and hand spinning and hand weaving on which Mahatma Gandhi has written a good deal in his book the "Hind Swaraj"; it may be that some of us may be opposed to them; it may be that some of us may be in favour of them; but all will agree that the actual experience of a calamity is less fearful than a prospective view of it. We are today concerned with the legitimate rights of the village industrialist. India lives in the villages and the cottages, and my friend, Mr. Mody, weakened his case when he came forward in the name of other mills than his own to draw a red herring across this piece of legislation. (Cheers.)

**Sir Cowasji Jehangir** (Bombay City : Non-Musammadan Urban) : I think, Sir, this little Bill has evoked a considerable amount of enthusiasm on both sides which is quite unnecessary, and I may also add that the facts produced both by the Mover of this Bill and by Mr. Mody are also quite correct. It is no doubt true that "Khaddar" was the name given to all coarse cloth, whether produced by the hand loom or by machinery, but, after a certain school of thought carried on propaganda in this country for the use of cloth woven on hand looms from yarn produced by hand, that cloth became known as "Khaddar" throughout the length and breadth of this country. I have also no doubt that the cloth produced by mills and also called "Khaddar" was bought by some ignorant people believing it to be the "Khaddar" produced by the villages on the hand loom. The mill made cloth was cheaper, and it looked very much like the stuff made on the hand loom, and naturally the people went in for it. Those, who had formed Associations to encourage the use of hand-made cloth, suffered. They found a competitor in a cheaper cloth made by the machine which ignorant people could not distinguish one from the other. Well, Sir, it was not the fault of the mills that they could produce a cloth which could compete with the hand made article and which people could not distinguish one from the other. But if any mills went out of their way to sell their cloth to agents who would pass off the mill made cloth on to the ignorant public as cloth made by the hand loom, then they were certainly guilty of fraud, and I have every sympathy for any Honourable Member who would desire to stop that practice. I cannot see any objection to any mill making cloth which may be known as "Khaddar" provided that to ensure that the ignorant people did not buy it as hand-made stuff you can call it mill made "Khaddar",—you can provide by legislation that that "Khaddar" shall be sold as mill made or machine made, and then, if the people choose to buy it in preference to hand loom "Khaddar", I do not think that any Honourable Member of this House can have a legitimate grievance. The only grievance is that it should not be bought in ignorance for the hand loom stuff, but I cannot see where the legitimate grievance comes in if people, with their eyes open, choose to buy stuff, because it is cheaper. You cannot prevent that.

[Sir Cowasji Jehangir.]

If you confine the word "Khaddar" merely to hand-made cloth, to cloth made on hand looms, you might prevent mills from making that stuff and legitimately selling it on to the market as machine made or mill made "Khaddar".

I would like to know, if this Bill became an Act, would it be illegal to stamp cloth as machine made "Khaddar" or mill made "Khaddar"? It would be. That would be rather hard, would it not? Would not any Honourable Member sympathetically look upon a complaint of that sort? Why do you prevent a mill from stamping its cloth as mill made "Khaddar" or machine made "Khaddar"? What you want to do is to prevent a mill or its agents from committing a fraud, that is, passing off its cloth as cloth made upon the hand loom. Therefore, if the Select Committee can, by amending this Bill, so ensure that fraud is prevented, but, at the same time, mills may be allowed to produce coarse cloth which they may be allowed to stamp as mill made or machine made "Khaddar", I can see no objection to this Bill. I am entirely in sympathy with all Honourable Members who desire to prevent fraud. I am also against any Bill, any legislation which would hamper the manufacture of machine made cloth. And I feel sure that there is not one Honourable Member in this House who really at heart desires to prevent the improvement, and the expansion of the mill industry. We hear a good deal of criticism, but, knowing my Honourable friends as I do and knowing the support that they have given times out of number to the mill industry, I cannot for one minute believe that any one of them would raise a little finger to harm an industry that has served this country loyally and well from the richest to the poorest, from the very day on which it came into existence. Therefore, I do believe that this Bill can be amended so as to serve this purpose, and I would appeal to the Mover of the Bill to take the initiative in the matter to see that this Bill serves its purpose without doing any injury to the great industry of which, I am sure, I am confident he is as proud as any one, any province or any community, who has had anything to do with it from its very inception.

**The Honourable Sir Joseph Bhoré** (Member for Commerce and Railways) : On a previous occasion, when speaking on this measure, I made it clear that the House should not assume that Government were necessarily opposed to this Bill. I made it clear that Government desired to keep an open mind in the matter until they were in possession of the views elicited by circulation. The result, Sir, of circulation has been to elicit a certain conflict of opinion. So far as Provincial Governments are concerned, I think only two are in favour of the Bill.

**Mr. Gaya Prasad Singh** : The third is neutral.

**The Honourable Sir Joseph Bhoré** : There are not merely three Provincial Governments in India.

**Mr. Gaya Prasad Singh** : I know.

**The Honourable Sir Joseph Bhoré** : There is by no means general agreement as to the application in practice of the terms "Khaddar" and "Khadi". The application of these terms seems to vary in different provinces. Equally, Sir, there is no agreement as to the advisability of confining these terms to handwoven and handspun

fabrics alone. I would bring to the notice of the House the opinion expressed by the United Provinces Government :

"The Government is of opinion that the proposed legislation would be definitely harmful to the hand loom industry."

They say that it would also inflict hardship on the hand loom weaver who uses coarse mill made yarn on his hand looms and who claims that his product is superior.

Coming to a third point, namely, whether the enforcement of this legislation is practicable, there is a very large measure of opinion to the effect that effective enforcement would not be possible. My own feeling generally is that expressed by the Punjab Government, namely, that this piece of legislation would do very little harm to any one and it would certainly do very little good. Faced with these divergent views, the Government of India have found it somewhat difficult to decide upon the course they should adopt. They certainly do not want to assume an attitude of hostility to this Bill. On the other hand, they do feel that in view of the fact that circumstances and conditions do not appear to be the same in all the provinces, it would not be advisable to have a uniform legislation for the whole of India without the consent of the Local Governments concerned. I want, therefore, to make it clear that Government will not oppose this piece of legislation if a provision is inserted making its application to a province depend upon a prior notification by the Local Government concerned. (Applause.)

**Nawab Major Malik Talib Mehdi Khan** (North Punjab : Muhammadan) : Sir, I rise to make a few remarks in support of the motion put forward by my Honourable friend, Mr. Gaya Prasad Singh. It is known all over that many indigenous industries have been ruined in this country. Coming from a village as I do, I am in a position to say that it has brought on untold misery, and, with the financial depression that is on and the prices of agricultural produce at the lowest level, it is absolutely necessary that the poor villagers should have something to fall back upon when they find that agriculture is not paying. No doubt, we cannot compete with the mill cloth or the stuff manufactured in factories, but we must see that those who are living in small places and have got some time to spare have some occupation to supplement the scanty earnings they make by following their ordinary profession. If we go on comparing the prices of the commodities, I must say that the time is not far off when everything that we are making has to give way to some foreign article. We have seen how the manufactured ghee supplanted our natural product. And it is not unlikely that a time may come when manufactured eggs will take the place of natural eggs laid by our hens to ruin another branch of our cottage industry. Look at the dyeing industries in our country which have been ruined by aniline dyes and it is feared that flour, cotton and other such things may be replaced by artificial products. Science is making such progress that there is a danger of its turning out the poor zemindars, to which class I belong, from their ancestral callings. It is our duty to help the zamindars to stick to the means of subsistence they have got and I would ask my friends on the other side, who are the champions of the mills, not to press their objection. Sir, I will read before the House a Persian couplet, which runs as follows :

*"Man az bigānagān hargiz na nālam  
Ki bā man har chi Kard ān āshnā Kard".*

[Nawab Major Malik Talib Mehdi Khan.]

Which means that I do not weep on account of what has been done by foreigners, I weep on account of what has been done to me by my friend. So I ask my friends on the other side to bear with us and see that the cottage industries are maintained and improved. Owing to the constant struggle for life going on in the world, every patriot is required to help the poor peasants who are living in small cottages to improve their lot.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I am grateful to the Honourable the Leader of the House for participating in the debate at an early stage and defining the Government point of view and I am very glad he did not support the views advocated by my friends, Mr. Mody and Sir Cowasji Jehangir.

**An Honourable Member** : They did not oppose the Bill.

**Mr. B. Das** : But Mr. Mody did oppose. The very fact that the Leader of the House ignored the observations of the representatives of the millowners shows that my friend, Mr. Mody, has been given the cold shoulder by the Government. I am 47 years of age and I live in the villages where the names of "Khaddar" and "Khadi" have never been used to represent the mill made cloth. I have no connection with the millowners except that I hobnob with them on the floor of this House. Under the inspiration of the saint of Sabarmati, the name of "Khadi" has become hallowed and it was never applied to the mill-made cloth. As my friend, Mr. Gaya Prasad Singh, pointed out that in the last few years owing to high premium of "Khadi", the millowners produced mill "Khadi" and the dealers sold it as "Khadi". My friend, Sir Cowasji Jehangir, wanted an assurance that nobody should ban the mills to produce "Khadi". My friend, Mr. Gaya Prasad Singh, or we here, or those working outside for the spread of "Khaddar" all over India, do not want to prohibit the mills from manufacturing such coarse stuff as they like, but they should not misuse and misapply the name of "Khadi". I come from the sea coast of Orissa and there the local produce of the hand loom weavers is known by the name of "Khadi". Mahatma Gandhi lived his early life in Kathiawar and in Gujerat district and can my friends, the millowners, deny that only during the last few years the name of "Khadi" and "Khaddar" have obtained such high premium and some dishonest millowners,—they are not present here,—have tried to exploit popular sentiment in regard to "Khadi". I challenge my friend, Mr. Mody, to say whether ten years ago the mills called any of the stuff produced by them by the name of "Khadi". He talked of the Merchandise Act. Many of the older Members of this House will say from their own experience of the country side that the coarse stuff made by the mills was never known by the name of "Khadi", but was known as "latta" or some other name. Mr. Mody said, that they entered into a certain pact about "Khadi" with the Congress leaders of Bombay. They entered into that pact to save their own necks. These millowners entered into a pact with Mahatma Gandhi and agreed to finance the propagation of "Khaddar". Probably my friend, Mr. Mody, thinks that the Congress movement or the "Khadi" movement is dying out. Mr. Mody quoted the Bombay Millowners Association, the Bengal Chamber of Commerce and the Punjab Chamber of Commerce. These Chambers of Commerce consist of either solely Europeans or both Europeans and Indians. So they do not and cannot speak for the real India. What do they know of the conditions of the

masses ? With all due respect to the representatives of the Bombay Chamber of Commerce in this House, I ask them, what do they know of the condition of the millions in this country ? What does Mr. Mody know of the conditions in Kathiawar, Kaira and Gujerat ? Until he became the President of the Millowners Association, we knew him as the Boswell of the late Sir Phirozeshah Mehta and we knew him as a lawyer and politician. My friend quoted the Bombay Chamber of Commerce and, Sir, it was like the devil quoting the scripture. The Bombay Millowners Association is peculiarly situated. I do not mind my Bombay friends being liberal and having Europeans as members, but they can never speak in the name of the masses. They do not know the condition in which the masses live and they are not in touch with the masses.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

He does not know what is happening to the 36 crores of the masses of India. What do the teeming millions understand by the term "Khaddar" and "Khadi" ? They do understand that it is "hand spun and hand woven cloth". It may be that the Government have used that name for years in their blue books, but the public do not use the word in that sense. So I do request the millowners not to be antagonistic to this Bill. I am emboldened to make that appeal after hearing my friend, Sir Cowasji Jehangir, who wants to show his fellow feeling to the teeming millions of India. I appeal to him to respect the sentiments of the people that "Khaddar" and "Khadi" should be the terms applied only to the handspun and handwoven cloth. I may assure my Honourable friend, Sir Cowasji Jehangir, and other millowners that we have no objection to the mills manufacturing the coarser stuff. Let them go on trading as they used to do before 1920 or 1925. They should not take advantage of the national sentiments and the patriotic fervour that is sweeping the whole nation. The word "Khaddar" has got a holy charm attached to it ; it has come to be identified with the sacred name of Mahatma Gandhi and today everything that is pure is associated with it. Why should the millowners take advantage of it in order to make a little more money ?

**Mr. H. P. Mody :** But we have not taken advantage ; we have given it up.

**Mr. B. Das :** I am grateful to my Honourable friend, Mr. Mody, for entering into that pact with the Congress leaders a few years ago. Why should my friends come forward now and ask for a provision in this Bill that the millowners can stick labels "Mill Khadi" ? My friends know as much as we know that the masses in the countryside are not so cultured as the millowners of Bombay are. When they ask for "Khadi" and the dealers supply them mill "Khadi", the millowners are abetting the retail tradesman to cheat the public. I am grateful to my friend, Mr. Gaya Prasad Singh, for bringing this Bill. My friend, Mr. Ranga Iyer, has reminded the House that Pandit Motilal Nehru of sacred memory was also of that opinion. So, I do hope that nobody in this House will raise his voice against this measure. I am grateful to the Honourable Sir Joseph Bhorc, because he did not support the arguments advanced by Mr. Mody nor did he agree to the amendment which Sir Cowasji Jehangir suggested in the Bill. With these few observations,

[Mr. B. Das.]

I wholeheartedly support the motion made by my friend, Mr. Gaya Prasad Singh.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadian Rural) : Sir, I am in general agreement with the principle of this Bill, but it will be my duty, I think, to place some of the difficulties that I feel before this House so that they may be considered in the Select Committee when it meets. Before the advent of the British, handspun and handwoven cloth of a rough character was known as "Khaddar". India also knew how to make fine cloth and the Dacca *Malmal* is very well known for its fineness, but that *Malmal* was never known as "Khaddar". The use of the word "Khaddar" was confined only to coarse cloth woven by hand from hand spun yarn. The definition given by the present Bill does not confine the word to coarse cloth only, but it seeks to extend its meaning to bring within its purview fine handwoven cloth from handspun yarn as well as the woollen cloths and silk cloths. I think this is an extension of the word "Khaddar" and I am not against it. But the difficulty that I feel is about the handwoven cloth from mill yarn. It is well known that, even in spite of the large number of spinning and weaving mills, the number of hand-weavers is considerable and hand weaving is going on to a very great extent. Of course, in comparison with the number of weavers the number of spinners is very small and the supply of handspun yarn is very limited. All the hand loom weavers will not find sufficient work in weaving handspun yarn and, therefore, they have been obliged to take mill yarn and weave cloth from it. The cloth that is thus woven is generally rough and it is sold in the bazar as "Khaddar" or "Khadi". It will, I think, be difficult to prohibit the sale of such cloth under the name of "Khaddar" or "Khadi" when this Bill becomes law. The hand loom weavers do not stamp the name of "Khaddar" on their cloth. They simply pass on the cloth they weave to the merchants and it is the merchants who try every stratagem to sell their wares even under false names in order to secure profit. The Government will have to see how to deal with this difficulty and, I hope, that the Bill will be properly considered in the Select Committee and the new meaning sought to be attached to the word "Khaddar" will be kept in view. I support the Bill.

**Rao Bahadur B. L. Patil** (Bombay Southern Division : Non-Muhammadian Rural) : Sir, I rise to support the Bill under consideration. While considering the underlying principle of this Bill, it appears to me that many Honourable Members were under some misunderstanding. They raised the question whether "Khaddar" will be in a position to compete with the mills. They also raised the question whether hand loom industry would be a gainer in any way. But we are concerned here only with one question, namely, how false stamps should be prevented and how the ignorant general public, which is in search of hand spun and hand woven "Khaddar", should not be cheated? That is the sole object of this Bill.

That is the principle of the Bill ; but, at the same time, this small  
 4 P.M. principle presupposes that there is in this country  
 a strong desire in a large section of the public to  
 purchase such hand spun and hand woven cloth whether it is made of  
 cotton or silk or wool. It is that assumption which is necessary for us to

consider ; and if this House is convinced that there is such a strong desire among a large section of the public of this country, then certainly the principle is in many ways acceptable. Coming to my Honourable friend, Mr. Mody, I may tell him that "Khaddar" was originally made out of hand spun and hand woven thread in this country before the advent of the mills. In support of what I say, I may bring to the notice of the House that in my vernacular the name is still being used with a little variation by the agriculturists from time immemorial for a certain kind of cloth which they used in carrying agricultural produce. In my vernacular, it is called "gudar" which is just like a big tarpaulin which is used by merchants and the name is still used in my part of the country by the agriculturists. Therefore, what I contend is that the name originally belonged to such hand spun and hand woven cloth and that though the mills borrowed it for a while, they should give it back now to the hand loom industry.

Now, it is a fact that the whole country has adopted that name and it is accepted on all hands that the term is used in that particular sense. It is in the interest of the agriculturists that this protection should be given to this particular cloth. The agriculturists who carry on cottage industry of spinning and weaving in their homes are at a disadvantage, because mills are in a position to pass off mill made cloth as "Khaddar". As the Honourable the Leader of the House has been kind enough to favour this Bill, I do not propose to make any further remarks.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I do not think there is any difficulty in sending this Bill to the Select Committee. All the speakers except Mr. Mody have practically accepted the principle of the Bill. There are some questions regarding details that can be provided for in the Select Committee. The Honourable the Leader of the House has suggested one particular way of amending the Bill, namely, having regard to the difficulty as to the meaning of "Khaddar" in different provinces, he thinks that if power is given to the Local Governments to introduce this Act in their respective provinces, that would serve his purpose. That is the whole point. Everybody is agreed with the principles underlying the Bill. The principle is to prevent fraud and nobody in his senses can say that you should not do that. It is the duty of the Legislature to see that fraud is not practised so far as it can be prevented. The object of the Bill being to prevent fraud, we have to apply this principle to this particular thing known as "Khaddar". For the first time I have heard today that "Khaddar" was known in the Bombay Presidency several decades ago and that even in 1896 coarse cloths were manufactured by the Bombay cloth mills under the name of "Khaddar". We came to know of the name "Khaddar" only recently after Mahatma Gandhi preached home spinning and *charka*. We in Bengal came to know of "Khaddar" from the lectures and addresses by Sir P. C. Ray who wanted to popularise the use of "Khaddar" among the people. We in Bengal mean by "Khaddar" hand spun and hand woven coarse cloth. After a little while in the bazars certain cloths, under the name of "Khaddar", were introduced by the Japanese, and subsequently our friends, the millowners of Bombay or Ahmedabad, I do not know who, introduced the coarse cloth and now, at the present moment, mill made coarse cloths, not always coarse, but sometimes very good, are sold in Calcutta under the name of "Khaddar".

[Mr. S. C. Sen.]

We now want to prevent that passing of the mill-made cloth for real "Khaddar" as the people know in Bengal, and this Bill is the outcome of that attitude. I do not understand why there should be any difficulty in referring the Bill to the Select Committee. We do not want to stop the Bombay mills from manufacturing coarse cloths or manufacturing coarse threads. We only do not want them to sell their cloth under the name of "Khaddar". All we want is that coarse cloth manufactured by mills should be sold under a different name and not that of "Khaddar" and that "Khaddar" should be used to denote only hand spun and hand woven cloth. There is no intention as apprehended by Mr. Mody that we want to prevent the Bombay mills or any other mills from manufacturing coarse cloths. There is absolutely no objection to their manufacturing coarse cloths; in fact we welcome their manufacture of coarse cloths if they are cheap. What we object to is their selling cloth manufactured in mills under the name of "Khaddar". I think the Bill should be referred to the Select Committee to make such alterations in it as may be necessary to protect the name of "Khaddar" from being used by manufacturers who do not make "Khaddar" in the way it is understood by the people.

**Mr. Gaya Prasad Singh :** Sir, I have not got much to say by way of reply. I am glad to say that my Bill has received a gratifying measure of support in this House. I am also thankful to my Honourable friend, the Commerce Member, for the support which he has been able to give to this Bill. I wish it had been possible for the Government to have fully accepted the Bill as it is without any qualifications, subject to such drafting improvements, as might be suggested by the Select Committee. Situated as this House is, I have to accept with a good grace whatever concessions Government are in a position to give us. I am sorry that the only discordant note has been sounded by my Honourable friend, the representative of the Bombay Millowners' Association. I may assure him that whatever I have said, I had not said in any spirit of hostility to the interest which he represents. I must only make one observation to him, and it is this. Coarse cloth has been produced in India from time immemorial even before the advent of machinery. That sort of cloth was both hand spun and hand woven. It was known by the name of "Khaddar" and "Khadi," long before the mills came into existence in this country. I want to confine the term "Khaddar" and "Khadi" to such coarse cloths that are produced by means of hand exclusively, to the entire exclusion of mill product. My Bill is designed to protect a cottage industry of this country, and I hope that, when passed, it will give employment to some of the teeming millions of this country who have not got much occupation for certain periods of the year. Sir, as the measure has not evoked hostile criticism, I need not speak further about it.

Sir, it has been suggested to me that I should propose the name of Sir Cowasji Jehangir to be on the Select Committee, and I have very great pleasure in proposing his name to be added to the list.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** The question is :

"That the name of Sir Cowasji Jehangir be added to the names of members of the Select Committee."

The motion was adopted.



**Mr. Deputy President (Mr. Abdul Matin Chaudhary) :** The question is :

"That the Bill to provide for the protection of the names 'Khaddar' and 'Khadi' used as trade descriptions of cloth spun and woven by hand in India, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Joseph Bore, the Honourable Sir Frank Noyce, Mr. Abdul Matin Chaudhary, Sir Lancelot Graham, Mr. S. C. Mitra, Sardar Sant Singh, Mr. B. B. Puri, Mr. S. C. Sen, Mr. Vidya Sagar Pandya, Mr. Uppi Saheb Bahadur, Mr. J. Ramsay Scott, Raja Bahadur G. Krishnamachariar, Khan Bahadur Haji Wajihuddin, Sir Cowasji Jehangir, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

### THE REMOVAL OF DOUBTS ABOUT THE APPLICATION OF THE DOCTRINE OF REPRESENTATION, IN CASE OF SUCCESSION TO STRIDHAN UNDER THE DAYABHAG BILL.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That the Bill to remove doubts about the application of the doctrine of representation, in case of succession to Stridhan under the Dayabhag, be taken into consideration."

Sir, this is a very simple Bill. For the lay members of this House I may point out that the law of succession in the case of Dayabhaga differs materially from the law of succession under the Mitakshara, and, under the Dayabhaga law, the succession to *stridhan* property follows a different line to that of succession to other properties inherited from males. In the case of the ordinary rules of inheritance under the Dayabhaga law, the doctrine of representation prevails and the word "issue" includes sons and male issue down to the fourth generation, i.e., down to the great grandson. And the doctrine of representation means that, if a man dies leaving two grandsons by a predeceased son and two other sons, then these two grandsons by the predeceased son also inherit as representing their father and they inherit the share which the father would have inherited. That is what is meant by the law of representation. Now, Sir, with respect to the right of representation I may here be permitted to quote from Dr. Jolly who observes :

"That the legal systems of some of the most highly civilised nations of Europe have centuries to arrive at the simple and equitable rules devised by the Indian lawgivers of old."

And Manu says :

"To three ancestors must water be given at their obsequies ; for three is the funeral cake ordained ; the fourth in descent is the giver of oblations to them ; but the fifth has no concern with the gift of the funeral cake."

[At this stage, Mr. President (the Honourable Sir Shanmukham Chetty) resumed the Chair.]

Sir, there is some doubt whether or not this doctrine of representation applies in the case of succession of *stridhan* heirs. Sir Gurudas Banerji's "Hindu Law of Marriage and Stridhana" says :

"The question whether the son's sons and the daughter's sons inherit *stridhana per stirpes* or *per capita* has not been considered by the Bengal lawyers. In the absence of any express provisions to the contrary in their writings, the rule laid down in the Mayukha and the Smriti Chandrika that grandsons by daughters as well as grandsons by sons inherit their grandmother's property *per stirpes*, may be taken to be the correct rule also for the Bengal School."

[Mr. Amar Nath Dutt.]

Be that as it may, I may point out that this uncertainty, if any,—I am assured by my lawyer friends that there is none,—require removal in order to clear an ambiguous position. Sir, suppose a female holder of property which is her *stridhan* dies leaving two sons and some grandsons by a predeceased son. I think, like other properties inherited by these sons of the father, there ought to be the doctrine of representation by which these grandsons ought not to be deprived of the property ; firstly, because it is the practice amongst Hindus, as I may remind the House, and Indians generally to purchase property in the name of their wives which may be claimed as *stridhan*. Now, the sons who are alive may be grown up men and may be in service with an ample income and they may not need to inherit the *stridhan*. But these grandchildren are most likely to be infants or minors and they need more help than anybody else. So to deprive these grandsons would not be proper. As the law is not quite clear on that point, I want to have those doubts removed. It may be said that in the case of *stridhan* there is another objection, namely, that the daughter's sons go before son's sons in some cases though not in all cases. Even in that case my Bill does not deprive them of their rights of inheritance. For, it is only when the son inherits as heir to *stridhan*, then and then only the son by a predeceased son and the great grandson whose father and grandfather are dead shall be deemed to have the right to inherit, according to the doctrine of representation, along with the sons. I draw the special attention of the House to the words "along with the sons". It does not over-ride the claim of daughter's sons who may in some cases come first and it is when the sons inherit and the daughter's sons do not come in, that I say that the doctrine of representation should be applied. In this case, of course, I find that Government have given notice to have the Bill circulated for opinion and certainly I will not have any objection to its being circulated. But, in view of the explanation I have given of the case of the grandchildren of a predeceased son, inheriting along with sons who inherit before daughter's sons, I think Government can still consider whether or not they should ask it to be circulated. I shall bow to whatever they may decide in this matter.

Sir, I move.

**Mr. President** (The Honourable Sir Shaumukham Chetty) : Motion moved :

"That the Bill to remove doubts about the application of the doctrine of representation, in case of succession to *Stridhan* under the *Dayabhag*, be taken into consideration."

**The Honourable Sir Bepin Behary Ghose** (Law Member) : Sir, I move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933."

I find it somewhat embarrassing not to oblige my friend, Mr. Dutt, whom I know from his legal infancy and that I must move this amendment. There is some difficulty about this law. What my Honourable friend has said about the doctrine of representation applies to succession in the case of property left by males ; and it is quite true that sons' sons, grandsons and great grandsons all inherit the property according to the principle of funeral oblations being given by all of them. The difficulty about *stridhan*

is that such rule does not apply. In case of *stridhan*, daughters succeed before sons and, in the line of succession, as my friend has pointed out, after the sons come the daughter's sons and it is the only instance in the Hindu law where the daughter's sons come before the son's sons. Some distinction is sought to be made in the Bill that where the son is alive, he naturally excludes the daughter's sons, and with him the other predeceased son's sons should inherit. I need not trouble the House with regard to the technicalities about succession to *stridhan* property. There are differences as regards the different schools of law and, as that accomplished lawyer, Sir Gurudas Banerjea, has said, after certain relations actually named, it is all jungle as to who will succeed ; but with regard to the question of daughter's sons and son's sons, it is clear that the daughter's sons come before the son's sons. I move my amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933."

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I feel that there is some ground for the doubt entertained by the Honourable the Mover of this Bill as regards succession to *stridhan* under the Dayabhaga law. I do not belong to Calcutta, but, as a lawyer, I know what Dayabhaga school dictates and what the Mitakshara says. I find that under the law, as it stands at present, succession to *stridhan* will go *per stirpes* and not *per capita*. To be plain, it will go by representation and, if that is so, then there should be no doubt when there is a grandson and also a grandson by a pre-deceased son, as to their succession, because the property will be divided into two halves, one going to one grandson and the other to the other, no matter if the son is predeceased. However, whatever doubt there is should be removed. As, however, the law or the commentators have not made that point quite clear, it seems to me quite right that it has been found necessary by the Mover of this Bill to have the law settled down. What do I find in Mulla's " Law of Inheritance " ? On *Stridhan* under the Dayabhaga law, what Mulla's " Hindu Law " (page 159) (7th Edn.), says runs thus :

" *Stridhana* heirs in the second generation, that is, son's sons, daughters' sons, and daughters' daughters, take *per stirpes* and not *per capita*."

Then, there is an illustration which makes it quite plain even to a layman :

" A female Hindu dies leaving two sons by a daughter A, and three sons by another daughter B. Her *stridhan* will be divided into two parts, of which one will go to the two sons of A, and the other to the three sons of B. To divide it *per capita* would be to divide it into five equal parts, and to give one share to each of the five grandsons."

The only question remains : supposing, in this case where there were two grandsons through a son and two grandsons through a daughter, there had been one more grandson also from a predeceased son, what would happen ? If we take it that the principle is that succession will go *per stirpes*, the property will have to be divided into three shares, one going to the two grandsons by the son, one to the daughter's sons, and one to the son of the predeceased son....

**The Honourable Sir Bepin Behary Ghose** : I am sorry to say that Mr. Navalrai is under some misapprehension ; it goes *per stirpes*, quite

[Sir Bepin Behary Ghose.]

true ; but if there is a grandson by a predeceased son and a grandson by a predeceased daughter, the grandson by the predeceased daughter succeeds first.

**Mr. Lalchand Navalrai :** Applying the general Hindu law, there also the principle is the same. Why should there be any difficulty to go beyond it ? No law has yet been pointed out about what the Honourable the Law Member says ; no authority has been yet quoted. However, as the Honourable the Law Member wants to have this point still cleared up, I have absolutely no objection to this Bill going for circulation.

**Some Honourable Members :** The question may now be put.

**Mr. Amar Nath Dutt :** I have nothing to say, Sir ; I accept the motion for circulation.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to remove doubts about the application of the doctrine of representation, in case of succession to Stridhan under the Dayabhag, be circulated for the purpose of eliciting opinion thereon by the 1st December, 1933.”

The motion was adopted.

#### THE AJMER-MERWARA JUVENILES SMOKING BILL.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara : General) : Sir, I beg to move :

“ That the Bill to prevent Juveniles from smoking Tobacco be taken into consideration.”

My Bill is only restricted to Ajmer-Merwara. It is word for word taken from the Central Provinces Juvenile Smoking Act and I understand that the sympathetic and respected head of my Local Government does not oppose this Bill. I, therefore, move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to prevent Juveniles from smoking Tobacco be taken into consideration.”

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, my Honourable friend, the Mover, just said that the Bill which he now wants to be taken into consideration is based word for word upon the Central Provinces legislation. The House might like to know that the experience of the operation of this measure in the Central Provinces is not such as to create much enthusiasm in Government or in administrators regarding the success of this measure. At the same time, Sir, we do not wish to stand between my friend, who has shown so much sympathy for juveniles and the measure which he has brought forward, and I would, therefore, like to say that the Government propose to remain neutral in this matter.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to prevent Juveniles from smoking Tobacco be taken into consideration.”

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I should like to say.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member wish to speak ?

**Mr. Amar Nath Dutt** : Yes, Sir. I do not know what the condition is in the area from which my friend, the Mover of this Bill, hails, but I know it for certain that in my own province small children of labourers who are generally below 14 or 16 do smoke and thereby refresh themselves by smoking. Sir, the question is whether such a law is necessary at all. I am told by a friend of mine who sits behind me that the Ayurvedic Shastras also approve of smoking. I appeal to my friend, Diwan Bahadur Harbilas Sarda, who has great reverence for the Shastras, to respect the Shastras.....

**Mr. G. Morgan** (Bengal : European) : Is there not a local Bengal Act for the prevention of juvenile smoking ? I think I remember it.

**Mr. Amar Nath Dutt** : I don't think so. I have been at the bar for more than 30 years, and I have not come across even a single case at least in my own district under any such Act.

**Mr. G. Morgan** : Exactly not operating.

**Mr. Amar Nath Dutt** : My point was that my friend, before sponsoring this Bill, should have made himself sure that these boys, if they are prevented from smoking, will not take to something stronger than smoking, I mean the bottle. That is more dangerous than smoking. Sir, I am not for cigarette smoking. I would prefer the *hooka* and I would like to see people taking to it in preference to cigars or cigarettes. *Hooka* is available everywhere and it is very much cheaper. Even in Bengal, if I go to my Honourable friend, the Law Member's House, I shall get the *hooka* and not cigarettes which unfortunately is replacing the *hooka*. Formerly, we had only *hooka* and not cigarettes everywhere. But, as I said, I am not in favour of smoking cigarettes and cigars, but why prevent people from smoking *hooka*, unless this is very necessary. My friend, of course, knows the conditions in his own province, I mean the Ajmer-Merwara, and if he is sure that these people will not take to bottle, or if they have not already taken to it, I will leave it to his moral sense to see whether or not such a restriction, as he proposes, should be imposed. My friend talks so much about the freedom in every sphere of human activity. I appeal to him to see that bottles are not introduced in place of the *hooka* or other kind of smoking. If he associates the bottle also with tobacco, I have no objection, but my fear is that, if you stop juvenile smoking, they will take to something stronger, which is far more deleterious. With these words, Sir, I oppose the Bill.

**Mr. R. S. Sarma** (Nominated Non-Official) : Sir, I move that the question be now put.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : I should like to say a few words on this motion. I am not a smoker. (*An Honourable Member* : "Question.") I must say that I abhor smoking, and I may further say that I have not been contaminated by this vice even though I have travelled throughout the world including America where smoking is so very prevalent. Sir, I support this Bill very heartily. I cannot understand why there should be any objection to making a law to prohibit

[Mr. Lalchand Navalrai.]

juvenile smoking. I would prefer that none should smoke, but if that is not possible, why not accept this legislation to prevent children from smoking? Sir, the smell that comes out of smoking is really very horrible. Therefore, I submit that if it is contended that, if smoking is stopped, boys will take to other more harmful things, such as liquor, the plain reply to all that is this, that it will be our duty to bring forward a Bill to stop people from drinking liquor which is also a vice for children. Sir, I support this Bill very strongly.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to prevent Juveniles from smoking Tobacco be taken into consideration.”

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Diwan Bahadur Harbilas Sarda** : Sir, I move that the Bill be passed.

The motion was adopted.

### THE UNTOUCHABILITY ABOLITION BILL.

**Rao Bahadur M. C. Rajah** (Nominated Non-Official) : Sir, I beg to move.....

**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhamadan Rural) : Sir, I rise to a point of order.

**Rao Bahadur M. C. Rajah** : What is the point of order? I have not said anything yet.

**Pandit Satyendra Nath Sen** : I rise to a point of order, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What is the point of order?

**Pandit Satyendra Nath Sen** : Sir, I beg to submit that this Bill for the abolition of untouchability among the Hindus is *ultra vires* of this Legislature. I take my stand on the notification of the Government of India under section.....

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Nothing has been moved so far. The point of order is premature.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, how can the Honourable Member raise a point of order at this stage? The Honourable the Mover has not said anything so far.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair understands that Pandit Satyendra Nath Sen wants to raise a point of order that the Bill is *ultra vires* of this Legislature; is that so?

**Pandit Satyendra Nath Sen** : Yes, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Let the Honourable Member, Mr. M. C. Rajah, move his motion first.

**Rao Bahadur M. C. Rajah** : Sir, I beg to move :

“ That the Bill to provide for the abolition of untouchability among the Hindus, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Diwan Bahadur Harbilas Sarda, Mr. C. S. Ranga Iyer, Mr. Gaya Prasad Singh, Mr. T. N. Ramakrishna Reddy, Mr. S. C. Mitra, Mr. B. V. Jadhav, Mr. B. Rajaram Pandian, Captain Rao Bahadur Chaudhri Lal Chand, Rai Bahadur Kunwar Raghubir Singh, Rao Bahadur S. E. Pandit, Mr. R. S. Sarma and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, in so doing, I appeal to Honourable Members unanimously to co-operate in facilitating the progress.....

**Pandit Satyendra Nath Sen** : Sir, I rise to a point of order.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. Let the Honourable Member finish.

**Rao Bahadur M. C. Rajah** : I appeal to Honourable Members unanimously to co-operate in facilitating the progress of this belated effort to do justice to the Depressed Classes. If I enter into an analysis of the acts of omission and commission on the part of my fellow Hindus that have produced the degradation to which my community is condemned and brought about the shame and humiliation of Hinduism itself before the world, it will take hours. I do not want to embitter feelings by recapitulating the past when I see that a great and welcome change has come over the Hindu mind as a whole. This Bill is based upon the principle that the law of no civilized country can recognise or give its support and assistance to an anti-social usage opposed to humanity as well as national interests.....

**Pandit Satyendra Nath Sen** : What is the procedure followed here, Sir ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member can raise his point of order after the Honourable Mr. Rajah has finished. He will not lose his right.

**Rao Bahadur M. C. Rajah** : That an inequity is old is no reason for a day's further delay in redress, but for greater speed in penitence and restitution. Such a measure, we expected, would be taken up by Government with alacrity seeing how much popular support has been wholeheartedly given to it, and how earnestly popular organisations plead for its enactment. I am inclined to press for a Select Committee, if not enactment of the measure in this Session itself, it being a non-controversial and belated recognition of a well-known principle of Jurisprudence as well as the barest negative justice to the oppressed Community that I represent. But as some Members desire circulation, I have no objection if the House desires to do so. I hope the Bill will in time receive support from all, and set right an intolerable wrong in the administration of the laws of our country.

Sir, the cause of the Depressed Classes combines in it the best of religion, the best of humanity and the best of nationalism. It is a cause worthy of the best energies and the most strenuous efforts of a large number of Indians who believe “ life is a mission and duty its highest law ”, and the best fulfilment of that duty lies in the service of uplifting of those whom human tyranny and prejudice have practically put out

[Rao Bahadur M. C. Rajah.]

of the pale of humanity. No sin is greater than that of attempting to keep human beings in a state of perpetual bondage. It is infamous beyond measure and galling to the very soul of men, to deliberately and persistently keep a section of the people—God's own children—and removing them by brute force or by religious and social duplicity to the level of beasts.

The vision of the future from the heights of legislation discloses the Hindu Race so rich in culture and philosophy, united and inseparable for all time with no more dividing walls between the two great sections of caste and no-caste.

**Pandit Satyendra Nath Sen** : Sir, I beg to submit that this Bill is *ultra vires* of this Legislature. As I said, I take my stand on the notification of the Government of India published in 1857 during the régime of Lord Canning and on the Queen's Proclamation of 1858. I would only read out one sentence from each of these in order to remind Honourable Members of the contents of those documents. The Notification says :

“ He emphatically proclaims that the Government of India entertains no desire to interfere with their religion or caste..... ”

And the Queen's Proclamation says :

“ We do strictly charge and enjoin all those who may be in authority under Us that they abstain from all interference with religious beliefs and worship of Our Subjects on pain of Our highest displeasure.”

This Bill, which is intended for the abolition of untouchability which is sanctioned by the Shastras as well as by customs, does interfere with our religion and caste. It does not require any eloquence to prove that it does interfere with our religion. I would draw the attention of Honourable Members to the implication and effect....

**An Honourable Member** : Is he making a speech ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The powers of this Legislature are defined in the Government of India Act and not in the Queen's Proclamation, and if Honourable Members want to draw the attention of the Chair to the fact that, a certain Bill is *ultra vires* of the Indian Legislature, they must draw attention to the relevant portion of the Government of India Act in the first instance. The Chair would, therefore, ask the Honourable Member first to draw its attention to the section of the Government of India Act on which he relies.

**Pandit Satyendra Nath Sen** : Apart from this Notification and Proclamation, I rely on the Government of India Act,—last paragraph of sub-clause (2) of section 65, which runs as follows :

“ The Indian Legislature has not power to make any law affecting the authority of Parliament, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom..... ”

It is a well known fact that orthodox Hindus owe their allegiance substantially on the ground that their religion and caste would be protected by the Crown. That is my ground.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The relevant portion of section 65 to which the Honourable gentleman has



drawn the attention of the Chair does not apply in this present case, because the section clearly says that this Legislature has not power—

“ to make any law affecting the authority of Parliament, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom ”.

If the Honourable gentleman wants to take shelter under the provision relating to allegiance to the Crown he must point out that this Bill contravenes some law or constitution of the United Kingdom of Great Britain and Ireland on which depends the allegiance to the Crown. The Queen's Proclamation is not a part of the written or unwritten law of Great Britain and Ireland and, therefore, it is not covered by the section to which the Honourable Member has drawn the attention of the Chair. Therefore, the Chair holds that this Bill is quite *intra vires* of this Legislature.

Motion moved :

“ That the Bill to provide for the abolition of untouchability among the Hindus, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Harry Haig, Diwan Bahadur Harbilas Sarda, Mr. C. S. Banga Iyer, Mr. Gaya Prasad Singh, Mr. T. N. Ramakrishna Reddy, Mr. S. C. Mitra, Mr. B. V. Jadhav, Mr. B. Rajaram Pandian, Captain Rao Bahadur Chaudhri Lal Chand, Rai Bahadur Kunwar Raghubir Singh, Rao Bahadur S. R. Pandit, Mr. R. S. Sarma and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The Chair is not sure whether it would be possible for the House to finish consideration of this motion today.

**Mr. R. S. Sarma** (Nominated Non-Official) : Mr. President, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934.”

I do not think the House expects a speech in support of this amendment of mine at the fag end of the day. I understand, the Honourable the Mover is willing to accept this motion for circulation, and I think that 30th June, 1934, is suitable for all parties concerned in this matter.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1934.”

**Pandit Satyendra Nath Sen** : Sir, I gave notice of a motion for circulation, but I am going to oppose the main motion. Am I entitled to this ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Is not the Honourable Member moving his own amendment ?

**Pandit Satyendra Nath Sen** : I am not prepared to move my amendment. I am opposing the Bill. Honourable Members will remember that I moved a motion for circulation of the previous Bill, namely, the Temple Entry Bill. There my language was that the Bill be circulated amongst the temple going Hindus only, but it was objected to by the Honourable the Home Member on the ground of practical difficulties. I, therefore, gave notice of a motion that this Bill be circulated amongst Hindus only. I now understand that the motion will not be accepted, because my Honourable friend, Mr. Sarma, has preceded me and in all probability his

[Pandit Satyendra Nath Sen.]

motion will be accepted. I, therefore, feel inclined to oppose the motion and that for two reasons at least, because the Government are inclined to go back upon the assurance which they have repeatedly given us and because this Bill is much more wide than the previous Bill and, therefore, much more obnoxious. At the very outset I may inform Honourable Members that the Bill is misconceived. In the Preamble it is stated "Whereas it is increasingly felt by the Hindu community". I say that the reformers who are the sponsors of these Bills are no representatives of the Hindu community. They form not more than five per cent. of the entire Hindu community. It is only some of the English educated people who can sponsor Bills like this and, as this Bill is wider, it will include the Temple Entry Bill also. Not only that, it will create other difficulties. For example, when a caste Hindu is making his worship or eating his meals, an untouchable may touch him and there is no remedy against him to be obtained by the caste Hindu, because clause 2 states :

"Notwithstanding anything contained in any existing enactment, regulation or order and notwithstanding any custom or usage or interpretation of law, no penalty, disadvantage or disability shall be imposed upon, or any discrimination made or recognised against any subject of the State on the ground that such person belongs to an untouchable caste or class among Hindus and no civil or criminal Court shall recognise any custom of untouchability or base its adjudication on such a custom."

We have a remedy against caste Shudras, but we have no remedy against an untouchable. Why this preferential treatment? This will give rise to anomalies. When I am worshipping, if I am disturbed by a caste Shudra or an outcasted Hindu, I have a remedy against him, but not against an untouchable. I can sue the caste Shudra or the outcasted Hindu in a law Court, but not an untouchable. Why this differential treatment? It is for this reason that I propose to oppose this Bill. But as I am sure that the motion for circulation will be passed, I will request the Honourable the Home Member to see that the Bill is not circulated in the ordinary manner, but is circulated "specially among the recognised religious institutions and associations of the community whose religion is sought to be affected by these Bills". I take this language from the reply given by His Excellency the Viceroy to the deputation, that waited upon him, of the All-India Varnashrama Sangha, and there were other assurances also. I may refer to the Government communiqué from which I quoted and which the Honourable the Home Member also quoted on the last occasion. It is not at all an unreasonable request, because Mr. Gandhi is also of the same opinion. In reply to a communication addressed to him, Mr. Gandhi sent the following letter :

"I am quite convinced, however, that the interference from non-Hindus cannot be tolerated in a matter which is purely a religious issue and which is one essentially for the Hindus to settle among themselves."

Sir, this is another Bill to which His Excellency the Viceroy has accorded his sanction. I beg most respectfully to submit that we expected from His Excellency otherwise, because in reply to a deputation of the Marwari Association, His Excellency.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member cannot criticise the action of His Excellency here.

**Pandit Satyendra Nath Sen** : Sir, the Bill is before us. Am I not entitled to express my views regarding the sanction? I am not criticising his conduct.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot criticise the action of the Viceroy on the floor of this House.

**Pandit Satyendra Nath Sen** : This Bill, like similar other Bills, is overdue in this Legislature, overdue not in the sense that they are at all proper, but that they are inevitable. Let me explain my point further. There is a set of English politicians who, since some years past, have been trying to kill the Brahminical culture which has maintained a peculiar sort of independence in spite of political subjugation. These politicians cannot endure this sort of independence on the part of Indians. The reformers are so many tools in their hands in achieving their end. These reformers, owing to their vicious culture, play into their hands for two reasons. By their culture they are always inclined to imitate the western ideals in words, thoughts and deeds, and secondly, being unable to make any headway in the matter of political reforms, they want to exhaust their energy in some other direction and, finding an easy outlet in religious matters, they want to fall upon the innocent Hindus in conformity with the principle contained in the Bengali adage that one who cannot make an impression outside comes home and beats his own wife.

Sir, as I have said, these reformers are not the representatives of the  
 5 P.M. Hindus and they have no claim to speak in the name of the Hindu community. It is argued that we should accept this Bill on the ground of common sense. I said on a previous occasion that common sense is a thing which is as unstable as unsafe and I gave an illustration then. One other illustration comes to my mind on the present occasion. Mr. Gandhi says that image worship is not a sin, rather it is necessary. But another leader, who hails from Bengal, Dr. Robindra Nath Tagore, has clearly declared that image worship is a sin. Now, whom to follow in this crisis ?

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Do you worship an image ?

**Pandit Satyendra Nath Sen** : I do, although not in the sense in which they take it.

**Sir Abdulla-al-Māmūn Suhrawardy** (Burdwan and Presidency Divisions : Muhammadan Rural) : But Robindra Nath Tagore is a Brahmo.

**Pandit Satyendra Nath Sen** : But they are our leaders. Even Mr. Gandhi is not a Hindu in the literal sense of the term. Then, it is said that we should accept the principle of this Bill on the ground of humanity. Is there any prescribed standard of humanity ? Is there any border line of humanity which says that we should come up thus far and no further ? There would be other people who would, on the same ground of humanity, insist on going further. They would insist on inter-dining and inter-marriage as well as some of them have been actually doing. I want to show that these things are unstable and unsafe. All this fuss has been created by these reformers. This Bill is not even supported by the generality of the untouchables.

**Mr. N. M. Joshi** (Nominated Non-Official) : Who told you that ?

**Pandit Satyendra Nath Sen** : I can cite instances to that effect. On the last Harijan Day, the local leaders of Cuttack wanted to drag the untouchables into Kali's temple, but they refused to listen to them. I will cite one other instance which was reported in the *Awanda Bazar*

[Pandit Satyendra Nath Sen.]

*Patrika* which is an organ of the reformers. At Contai, which is a sub-division of the Midnapore district, when the reformers asked the untouchables to transgress their usual rights, they were beaten by them with broom-sticks. That is not my own invention ; it was reported in the *Ananda Bazar Patrika* which is a paper in support of these reformers. So, I beg to submit that in cases where common sense differs and where there is a difference of views, Shastras should be our only guide. If you do not abide by this dictum, you are quite at liberty to preach another religion as was done by the late Raja Ram Mohan Roy or the late Swami Dayanand. You cannot be allowed to take your seat on the broad breast of religion and society and commit outrage on them. Sir, that being so, I should ask the Hindus to abide by the Shastras only. Now, what do these Shastras tell us ? Honourable Members will remember the history of the origin of these untouchables which I gave them on the last occasion. In one short sentence I will remind them again of it.

**Honourable Members :** We remember all your speeches.

**Pandit Satyendra Nath Sen :** Sir, these untouchables owe their origin to serious violations of marital laws. Manu says that we should have no intimate dealings with these people. Samvartta and Atri are also of the same opinion. This is what they say :

“Chāndālam patitam sprishtwā shavam Antyajam eva cha  
Udayām sūtikām nārim savāsāh snānam acharet.”—Samvartta.

—If one touches a Chandala or a fallen man or a dead body or any other Antyaja or a woman, who is in menstruation, or a woman who has only recently delivered, he should take a bath.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : May I ask the learned Pandit whether he follows that *Shloka* ?

**Pandit Satyendra Nath Sen :** I do, and many other people do the same. It may be a news to my Honourable friend, because he knows nothing about the Hindu society, but this is a fact.

**Mr. R. S. Sarma :** May I ask a direction from you, Sir ? In view of the lateness of the hour, will you be pleased to direct that Pandit Sen's speech be taken as read and incorporated in the debates of the Assembly ?

**Pandit Satyendra Nath Sen :** How ? I beg to submit, Sir, that this is the only place where we can give full expression to our views, otherwise, outside this House we are even physically obstructed by the non-violent followers of Mr. Gandhi. I am sorry the Honourable the Law Member is not in his seat. He will bear me out when I say this, because he himself had some ugly experience at the hands of these so-called harbingers of democracy. That incident happened in Calcutta sometime ago. *Atri* says :

“Charmako rajako vainyo dhivaro natakastathā  
Etān sprishtvā dwijo mohāt āchāmet prayatopi san.  
Etaih spriahto dwijo nityam ekarātram ghrītam pibet.”

Then, again :

“Yastu chohbhāyām shwapskāyā brāhmanastwadhigachchhati.  
Sa cha snānan prakusvīta ghrītam pibīti viabuddhati.”

—“ If a Brahmin comes across even the shadow of a *Chandala*, he should perform a bath and drink *Ghee* for purification.”

Manu says :

“ *Na taiḥ samayam anvichchhet puruṣho dharmam ācharan.*

—A religious man should have no dealings with these untouchables.

It is argued by some of the reformers that these texts do not occur in the Vedas, but that they occur only in the Smritis. We resent this sort of argument. It only betrays their ignorance. It is not only the Vedas that are authorities on our Dharma, but the Smritis also are authorities. The text is :

“ *Vedaḥ smṛtiḥ sādācāraḥ swaśya cha priyam ātmanah  
etat caturvidham prāhuḥ sākṣhād dharmasya lakṣhanam.*”

The Vedas, the Smritis and good conduct and one's own complacency in matters of choice,—these are the authorities on Dharma. So the *Smṛiti* also is an authority on Dharma. However, to satisfy these captious critics, I will cite some texts from the Vedas which go to support that untouchability is recognised in the Vedas also. Honourable Members will remember the text I quoted the other day from the *Chhandogya Upanishad* which mentions the untouchables along with some of the lowest forms of creation as having their birth determined by their acts in their previous births.

**An Honourable Member :** Are Upanishads Vedas ?

**Pandit Satyendra Nath Sen :** The Upanishads are the essence of Vedas, they are Vedas *par excellence*. The *Bṛihadaranyakopanishad* also says :

“ *Na janam iyāt, nāntam iyāt.*”

A caste Hindu should not go to an untouchable or visit his habitation. The *Sukla Yajur Veda*, Chapter 30, makes mention of the four castes as well as some of the untouchable castes, namely : *Dhevara*, *Kaivartta*, *Kirata*, *Nishada*, and so forth.

It is not that these were later imaginations of the Smritikaras, but they do occur in the Vedas also. As a dissentient voice has been raised as to whether the Upanishads are the Vedas, I am prepared to cite some texts in order to satisfy these doubting friends. The *Shukla Yajur Veda Samhita* says :

“ *Shundhadhwam devayajyāyai yad vah aśuddhāḥ parājaghnah.*”

This is addressed to the sacrificial implements made of wood. They are told, “ get yourselves purified by this sprinkling as you were made by unholy persons ”—evidently referring to the carpenters, and so forth. Sir, I may inform my Honourable friends that it will be news to some of them and I invite the special attention of my Honourable friend, *Diwan Bahadur Sarda*, that in commenting on these passages from the *Shukla Yajur Veda* even the late *Swami Dayanand Saraswati* gives a reason for this view. He says that the company of the untouchables is to be avoided, because their touch or their breath may pollute others. This is what he says in the *Bhashya* of the text. Sir, we have

[Pandit Satyendra Nath Sen.]

fallen on evil times. We, Hindus, do not believe in the Shastras and the Arya Samajists also do not believe in the sayings of their Guru, Swami Dayanand Saraswati. Everybody is anxious to be guided by his own common sense.

**An Honourable Member :** What a calamity !

**Pandit Satyendra Nath Sen :** It is certainly a calamity. It should be remembered that ceremonial cleanliness is primarily a matter to be discussed in the Smriti works and not in the Vedas. Mr. Gandhi was very right when he said on the 4th November that " Sanatan Dharma is the vital faith based upon the Vedas and writings that followed them ". By the expression " writings that followed them ", Mr. Gandhi evidently meant Smritis. Just two months later, on the 4th January, he shifted his position. He gave a different definition of Sanatan Dharma. He says that " Sanatan Dharma is good conduct which people can reach ". Every intelligent person can see that this definition makes a lot of difference. If this definition is to be accepted, I do not see any difference between Sanatan Dharma and any other Dharma. Every Dharma will accept the principle that Dharma is good conduct which people can reach. So if we are to accept this definition given by Mr. Gandhi later on, I say that all distinction between Sanatan Dharma and all other Dharmas ceases to exist.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : May I appeal to the Honourable Member that, after a long day, he should allow us to take advantage of the open air on this beautiful day.

**Pandit Satyendra Nath Sen :** I am sorry I cannot oblige my Honourable friend. This is a vital thing. If the Honourable Member wishes to leave the House, he can do so with the leave of the Honourable the President.

**Mr. A. Hoon** (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I wish to refer to one thing as mentioned by my Honourable friend in his address which has set me shivering this afternoon. The Honourable Member has said that if the shadow of an untouchable falls upon a Hindu, he should take a bath immediately. Ever since he said that, I have been shivering, because I am wondering whether it should be a cold bath or a hot bath.

**Pandit Satyendra Nath Sen :** Cold bath for us, and hot bath for reformers.

**Mr. B. V. Jadhav :** May I know from the Honourable Member whether, as he daily comes near my Honourable friend, Mr. Rajah, he ever takes a bath ?

**Pandit Satyendra Nath Sen :** There are substitutes for baths also.

**An Honourable Member :** What are those substitutes ?

**Pandit Satyendra Nath Sen :** You complain that you are tired and you want to go home and, yet, you want further elucidation upon this point.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : How long does the Honourable Member propose to take ? As this is the last

day for non-official Bills, the Chair would certainly have no objection to sit a little late, if it is the general desire of the House to finish the business now before the House. How long will the Honourable Member take to finish his speech ?

**Several Honourable Members** : No, we cannot sit.

**Pandit Satyendra Nath Sen** : I will take three-quarters of an hour more.

**Mr. D. K. Lahiri Chaudhury** : I want to speak on this motion. There are several other Members who also want to speak.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : There is a meeting of the Select Committee called for for this evening.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Our usual practice is to adjourn at a quarter to five every day. The Chair understands that some important Select Committees have been summoned for this evening, and, on an important Bill of this nature which certain sections of the House consider to be very vital to them, the Chair cannot close the discussion without giving an opportunity to every section of thought to express itself. (Hear, hear.) If the Honourable Member, Pandit Sen, is going to take three-quarters of an hour more and if there are also other Honourable Members to speak on the motion, it would not be reasonable to expect the House to sit much longer. Therefore, we ought to adjourn the House just now.

The Assembly then adjourned till Eleven of the clock on Wednesday, the 6th September, 1933.

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