

10th November 1944

# THE LEGISLATIVE ASSEMBLY DEBATES

## Official Report

Volume IV, 1944

*(1st to 13th November 1944)*

### TWENTY-FIRST SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1944

Chamber Fumigated 18.10.73



# LEGISLATIVE ASSEMBLY.

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## *President :*

The Honourable Sir ABDUR RAHIM, K.C.S.I.

## *Deputy President :*

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

## *Panel of Chairmen :*

Mr. ABDUL QAYUM, M.L.A.

Nawabzada MUHAMMAD LIAQUAT ALI KHAN, M.L.A.

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

Sir HENRY RICHARDSON, M.L.A.

## *Secretary :*

Mian MUHAMMAD RAFI, Barrister-at-Law.

## *Assistants of the Secretary :*

Mr. M. N. KAUL, Barrister-at-Law.

Khan Bahadur S. G. HASNAIN.

## ● *Marshal :*

Captain Haji Sardar NUR AHMAD KHAN, M.C., I.O.M., I.A.

## *Committee on Petitions :*

Mr. AKHIL CHANDRA DATTA, M.L.A. (*Chairman*).

Nawabzada MUHAMMAD LIAQUAT ALI KHAN, M.L.A.

Mr. GOVIND V. DESHMUKH, M.L.A.

Mr. N. M. JOSHI, M.L.A.

Sardar SANT SINGH, M.L.A.

# CONTENTS:

Volume IV—1st to 13th November 1944.

	PAGES.
<b>WEDNESDAY, 1ST NOVEMBER 1944—</b>	
Members Sworn ... ..	1
Starred Questions and Answers ...	1—30
Unstarred Questions and Answers ...	30—36
Statements laid on the Table ...	36—61
Death of Mr. Abdur Rasheed Choudhury ... ..	61—62
<b>Motions for Adjournment re—</b>	
Failure to supply adequate petrol to the Karachi Municipal Corporation—Disallowed ...	62
Failure to assure Termination of Services of the U.K.C.C. with the Termination of the War—Ruled out of order ... ..	63
Refusal of Permission for Publication of Correspondence between Mahatma Gandhi and H.E. the Viceroy—Disallowed ...	63
Government Communication describing Mr. Phillips, Personal Representative of President Roosevelt, as <i>Persona non-grata</i> —Disallowed by the Governor-General ... ..	63
Dismissal of Sardar Shaukat Hayat Khan, a Minister in the Punjab—Ruled out ... ..	63—65
Failure to apply in time for help for India to the U.N.R.R.A.—Ruled out of order ... ..	65—66
Failure to make proper arrangements to prevent destruction of A.I.C.C. Records at Allahabad—Ruled out ... ..	66
Misuse of the National War Front Organisation by Malik Khizar Hyat Khan Tiwana, Leader of the Punjab Branch—Negatived ... ..	66—68
H.E. the Governor-General's Assent to Bills ... ..	68
Amendments to the Insurance Rules ... ..	68
Notifications under the Destructive Insects and Beasts Act ... ..	69
<b>Statements laid on the Table re—</b>	
Net Earnings of New Railway Lines ... ..	70
Appropriation Accounts, Audit Reports, etc. ... ..	70
Objects on which the Aviation Share of the Petrol Tax Fund was expended ... ..	70—71
Amendments to certain Motor Vehicles Rules ... ..	71—74
Election of a Member to the Standing Finance Committee ...	74

	PAGES.
<b>WEDNESDAY, 1ST NOVEMBER 1944—contd.</b>	
Election of Members to the Advisory Board of Archaeology ... ..	74—78
Indian Rice Committee Bill—Introduced ... ..	78
Indian Patents and Designs (Temporary Amendment) Bill—Introduced ... ..	78—79
Public Debt (Central Government) Bill—Continued and Referred to Select Committee ... ..	79—80
Payment of Wages (Amendment) Bill—Introduced ... ..	79
Coffee Market Expansion (Second Amendment) Bill—Introduced ...	79
Insurance (Second Amendment) Bill—Introduced ... ..	79
Delhi Joint Water and Sewage Board (Amendment) Bill—Introduced ... ..	79
Factories (Second Amendment) Bill—Discussion on the Motion to refer to Select Committee not concluded ... ..	80—82
<b>THURSDAY, 2ND NOVEMBER 1944—</b>	
Starred Questions and Answers ...	111—84
Unstarred Questions and Answers ...	134—86
<b>Motions for Adjournment re—</b>	
Unsatisfactory Character of Railway Board Notification re revised Rates of Dearness Allowance—Disallowed ... ..	136—37
Failure to provide adequate Facilities for Safe Travel of Civilian Public—Not moved ... ..	137
Failure to check Epidemics like Cholera, etc.—Disallowed ...	137
Position of Indians in Natal under Natal Occupation Ordinance—Not moved ... ..	137
Death of Mr. Srideo Suman, an Exile from Tehri State—Disallowed by the Governor-General ... ..	138
Inadequate War Allowance for Non-Gazetted Officers—Not moved ... ..	138—40
Hunger Strike by Political Prisoners in Bhagalpore Camp Jail—Disallowed ... ..	140
Discontinuance on Racing Days of Restaurant Car on the Poona Express—Disallowed ... ..	140
Non-Representative Delegation to World Monetary Conference in America—Not moved ... ..	140

	PAGES.
<b>THURSDAY, 2ND NOVEMBER 1944—contd.</b>	
Motions for Adjournment <i>re—contd.</i>	
Central Provinces Government Servants' Aid to Conversion of Gonds to Christianity—Disallowed ...	141
Ban on Publication of <i>Panchangas</i> —Not moved ...	141
Forcible Entry by Police at the Lahore Meeting of the General Council of All-India Railway-men's Federation—Disallowed ...	141-42
Running of Competitive Road-Transport Services by Railways for Monopolising—Ruled out of Order ...	142-43
Stopping the Booking of Passengers to Nankana Sahib on Guru Nanak's Birthday Anniversary—Disallowed ...	143-44
Frequent Disallowance by the Governor-General of Motions in the Assembly requiring his previous consent—Ruled out of Order ...	144-45
Ill-treatment meted out to Mr. Ram Charan Agarwal by the Delhi Police—Postponed for next day ...	145
Death due to an Accident at Baktiarpur Junction Station—Adopted ...	145-46 & 164-75
Nomination of the Panel of Chairmen ...	146
Committee on Petitions ...	146-47
Presentation of the Report of the Public Accounts Committee ...	147
Motion <i>re</i> Food Situation—Discussion not concluded ...	147-64
<b>FRIDAY, 3RD NOVEMBER 1944—</b>	
Starred Questions and Answers ...	177-210
Unstarred Questions and Answers ...	210-13
Short Notice Question and Answer ...	213-14
Motions for Adjournment <i>re—</i>	
Ill-treatment meted out to Mr. Ram Charan Agarwal by the Delhi Police—Ruled out of Order ...	215
Failure to make Arrangements for carrying Haj Pilgrims to Hedjaz—Ruled out ...	215-17
Economic Sanctions against South Africa—Ruled out of Order ...	217
Failure to frame and enforce Rules under Reciprocity Act—Not moved ...	217

	PAGES.
<b>FRIDAY, 3RD NOVEMBER 1944—contd.</b>	
Motions for Adjournment <i>re—contd.</i>	
Appointments to Superior Revenue Establishment of Indian State Railways, Stores Department—Not moved ...	281
Refusal of Permission for Republication of <i>National Herald</i> and <i>Forward</i> —Not moved ...	218
Unconstitutional Conduct of Government in appointing Adjudicator in Trade Dispute between Shahdara (Delhi), Saharanpur Light Railway and its Employees, etc.—Disallowed ...	218-19
Sinking of the S. S. "Cormorant"—Disallowed ...	219-20
Inaccurate Government Reply <i>re</i> Government Contribution to Indian Labour Federation—Disallowed ...	220-21
Resolution <i>re</i> Protection of Mosques in New Delhi—Negatived ...	221-33
Resolution <i>re</i> Fifteen-year Plan prepared by Capitalists of India—Discussion not concluded ...	223-47
<b>MONDAY, 6TH NOVEMBER 1944—</b>	
Starred Questions and Answers ...	249-60
Upstarred Questions and Answers ...	260-64
Motion for Adjournment <i>re</i> Sind Government's Ban on Chapter XIV of Satyarth Prakash—Postponed ...	264-65 & 285
Election of a Member to the Standing Finance Committee ...	265
The Hindu Code, Part I (Intested Succession)—Petitions laid on the table ...	265-67
Motion <i>re</i> position of Indians in South Africa and East Africa—Adopted as amended ...	267-208
<b>TUESDAY, 7TH NOVEMBER 1944—</b>	
Starred Questions and Answers ...	309-41
Unstarred Questions and Answers ...	341
Election of Members to the Advisory Board of Archaeology ...	341
The Public Debt (Central Government) Bill—Presentation of the Report of the Select Committee ...	341
Statements laid on the table ...	341-57
The Factories (Second Amendment) Bill—Referred to Select Committee ...	358-75

	PAGES.		PAGES.
<b>TUESDAY, 7TH NOVEMBER 1944—contd.</b>		<b>FRIDAY, 10TH NOVEMBER 1944—contd.</b>	
The Indian Rice Committee Bill— Discussion on motions to refer to Select Committee and to circulate not concluded ... ..	375—82	The Muslim Personal Law <i>Shariat</i> application (Second Amendment) Bill—Motion to continue adopted	576
Motion for Adjournment <i>re</i> Sind Government's Ban on Chapter XIV of Satyarth Prakash— Negatived ... ..	382—95	The Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 162, 438 and 496— Passed as amended ... ..	576—73
<b>WEDNESDAY, 8TH NOVEMBER 1944—</b>		The Hindu Marriage Disabilities Removal Bill—Discussion on the Motion to refer to Select Committee not concluded ... ..	578—604
Starred Questions and Answers ...	397—425	<b>MONDAY, 13TH NOVEMBER 1944—</b>	
Unstarred Questions and Answers ...	425—27	Member Sworn ... ..	605
Statements laid on the table ...	428—89	Starred Questions and Answers ...	605—47
Motion <i>re</i> Food Situation—Dis- cussion not concluded ... ..	439—74	Unstarred Questions and Answers	647—49
<b>THURSDAY, 9TH NOVEMBER 1944—</b>		Motion for adjournment <i>re</i> Failure to give relief to Weavers in Burbanpur and other places in the Central Provinces—Dis- allowed ... ..	649
Starred Questions and Answers ...	475—84	Election of Members to the Central Advisory Board of Education ...	649—54
Unstarred Question and Answer ...	484	Election of Members to the Indian Coconut Committee ... ..	655—58
Motion <i>re</i> Food Situation—Adopted as amended ... ..	485—537	Election of Members to the Stand- ing Committee for the Industries and Civil Supplies Department...	656—59
<b>FRIDAY, 10TH NOVEMBER 1944—</b>		The Indian Patents and Designs (Temporary Amendment) Bill— Passed ... ..	660
Starred Questions and Answers ...	539—73	The Coffee Market Expansion (Second Amendment) Bill— Passed ... ..	661—62
Unstarred Questions and Answers	574	The Delhi Joint Water and Sewage Board (Amendment) Bill—Passed as amended ... ..	662—64
Motion for Adjournment <i>re</i> surrepti- tious opening of private letters by the Postal Department— Ruled out of order ... ..	574—75	The Public Debt (Central Govern- ment) Bill—Discussion on the Motion to consider not concluded	664—83
The Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 386 and 539-B— Motion to continue adopted ...	575		
The Indian Penal Code (Amend- ment) Bill—Insertion of new Section 93-A—Motion to continue adopted ... ..	575		
The Code of Civil procedure (Amend- ment) of Section 60—Motion to continue adopted ... ..	575		

# LEGISLATIVE ASSEMBLY

Friday, 10th November 1944

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

## STARRED QUESTIONS AND ANSWERS

### (a) ORAL ANSWERS

#### REPORT ON TOUR OF MR. SARGENT IN THE UNITED KINGDOM

†216. \*Dr. Sir Zia Uddin Ahmad: (a) Will the Secretary for Education, Health and Lands please lay before the House the account of the tour of Mr. Sargent in the United Kingdom?

(b) What changes, if any, are Government contemplating to introduce in the educational system of this country?

(c) Are Government contemplating to bring a Bill for discussion in the Assembly? If so, what?

Mr. J. D. Tyson: (a) No formal account of Mr. Sargent's deputation will be prepared but he will report separately on various matters with which he dealt during his tour, as listed in a statement laid on the Table of the House.

(b) The lines of Post War Educational Development in India which Government are considering are those embodied in the report of the Central Advisory Board of Education, of which there are copies in the Library.

(c) Not at present.

#### Statement

Matters dealt with by Mr. Sargent during his recent deputation to the United Kingdom includes:—

(1) Attendance as observer on behalf of India at the Conferences of Allied Ministers of Education, which were held in London during the summer under the Presidency of the British Minister of Education.

(2) Discussions with the India Office, the High Commissioner for India, Universities and other Institutions for Higher Education regarding the best arrangements for the future admission of Indian students in view of the conditions likely to obtain at the end of the war.

(3) Exploring with parties concerned means of strengthening cultural relations between learned bodies in Great Britain and this country, including the following up of certain suggestions made by Prof. A. V. Hill during his recent visit to India.

(4) Discussing with the appropriate Authorities the possibility of securing training in Great Britain for teachers and other persons who may be deputed for that purpose by the Central and Provincial Governments in the event of its being decided to proceed with the Scheme for Post-war Educational Development prepared by the Central Advisory Board of Education and now under consideration by the Government of India.

Mr. Sargent also took the opportunity of his visit to England to discuss with persons there a number of other outstanding educational matters.

#### COMMUNAL COMPOSITION IN HIGHER POSTS OF THE LEGISLATIVE DEPARTMENT

217. \*Sardar Sant Singh: (a) Will the Honourable the Law Member please state the number of posts carrying monthly salaries of Rs. 500 and above in his Department including the Income Tax Appellate Tribunals in each Province?

(b) How many of these posts are held by (i) Europeans, (ii) Anglo-Indians (iii) Hindus, (iv) Muslims, (v) Sikhs, and (vi) others?

The Honourable Sir Asoka Roy: (a) and (b). A statement giving the required information is laid on the table.

#### Statement

(a) The total number is 33, comprising 22 posts in the Secretariat and 11 in the Income-tax Appellate Tribunal (5 in Bombay and 2 each in Madras, Bihar and the United Provinces).

(b) (i) four; (ii) three; (iii) twenty; (iv) four; (v) none; (vi) two.

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

**COMMUNAL COMPOSITION IN HIGHER POSTS OF OFFICES UNDER THE COMMERCE DEPARTMENT**

**218. \*Sardar Sant Singh:** (a) Will the Honourable the Commerce Member please state the number of posts carrying monthly salaries of Rs. 500 to Rs. 750, Rs. 750 to Rs. 1,000, Rs. 1,000 to Rs. 1,500 and Rs. 1,500 and above in his Department including (i) office of the Economic Adviser to the Government of India, (ii) the Department of Commercial Intelligence, and Statistics, (iii) the Trade Marks Registry, Bombay, (iv) the office of the Chief Controller of Imports, (v) the office of the Controller of Enemy Firms and Enemy Trading and Custodian of Enemy Property, and (vi) the office of the Tea Controller of India?

(b) How many posts under each category are held by (i) Europeans, (ii) Anglo-Indians, (iii) Hindus, (iv) Muslims, (v) Sikhs, and (vi) others?

**The Honourable Sir M. Azizul Huque:** (a) and (b). A statement giving the required information is placed on the table of the House.

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Name of Department or Office	Monthly Salary	Number of posts		Euro-peans	Anglo-Indians	Number of posts held by			
		3	2			Hindus	Muslims	Sikhs	Others
1	2	3	2	4	5	6	7	8	9
1. Commerce Department	Ra. 500 to Ra. 750	9		..	2	7	..	..	..
	Ra. 750 to Ra. 1,000	1		..	..	1	..	..	..
	Ra. 1,000 to Ra. 1,500	5		..	..	4	1	..	..
	Ra. 1,500 and above	6		..	..	6	1	..	..
2. Office of the Economic Adviser to the Government of India.	Ra. 500 to Ra. 750	2		..	..	1	1	..	..
	Ra. 750 to Ra. 1,000	..		..	..	..	..	..	..
	Ra. 1,000 to Ra. 1,500	1		..	..	1	..	..	..
	Ra. 1,500 and above	1		1	..	..	..	..	..
3. Department of Commercial Intelligence and Statistics.	Ra. 500 to Ra. 750	1		..	..	1	..	..	..
	Ra. 750 to Ra. 1,000	1		..	..	1	..	..	..
	Ra. 1,000 to Ra. 1,500	1		..	..	1	..	..	..
	Ra. 1,500 and above	..		..	..	..	..	..	..
4. Trade Marks Registry, Bombay	Ra. 500 to Ra. 750	..		..	..	..	..	..	..
	Ra. 750 to Ra. 1,000	1		..	..	1	..	..	..
	Ra. 1,000 to Ra. 1,500	1		..	..	..	..	..	..
	Ra. 1,500 and above	..		..	..	..	..	..	..
5. Office of the Chief Controller of Imports, New Delhi.	Ra. 500 to Ra. 750	3		..	1	1	1	..	..
	Ra. 750 to Ra. 1,000	1		..	..	1	..	..	..
	Ra. 1,000 to Ra. 1,500	2		..	..	1	..	..	..
	Ra. 1,500 and above	4		1	..	3	..	..	1
6. Office of the Controller of Enemy Firms and Enemy Trading and Custodian of Enemy Property, Bombay.	Ra. 500 to Ra. 750	1		..	..	1	..	..	..
	Ra. 750 to Ra. 1,000	..		..	..	..	..	..	..
	Ra. 1,000 to Ra. 1,500	1		1	..	..	..	..	..
	Ra. 1,500 and above	1		1	..	..	..	..	..
7. Office of the Tea Controller for India—									
(i) Calcutta	Ra. 500 to Ra. 750	2		1	..	1	..	..	..
	Ra. 750 to Ra. 1,000	..		..	..	..	..	..	..
	Ra. 1,000 to Ra. 1,500	1		..	..	..	..	..	..
	Ra. 1,500 and above	1		1	..	..	..	..	..
(ii) Coonoor	Ra. 500 to Ra. 750	2		2	..	..	..	..	..
	Ra. 750 to Ra. 1,000	..		..	..	..	..	..	..
	Ra. 1,000 to Ra. 1,500	..		..	..	..	..	..	..
	Ra. 1,500 and above	..		..	..	..	..	..	..
(iii) Cochin	Ra. 500 to Ra. 750	..		..	..	..	..	..	..
	Ra. 750 to Ra. 1,000	..		..	..	..	..	..	..
	Ra. 1,000 to Ra. 1,500	1		1	..	..	..	..	..
	Ra. 1,500 and above	..		..	..	..	..	..	..

(Parsee).



**Sardar Sant Singh:** May I ask the Honourable Member if he can give me the percentage of the Sikh representation in any of these services?

**The Honourable Sir M. Azizul Huque:** I have not had time to calculate the percentage, but I will supply it to the Honourable Member.

**COMMUNAL COMPOSITION IN HIGHER POSTS OF OFFICES UNDER INDUSTRIES AND CIVIL SUPPLIES DEPARTMENT**

**219. \*Sardar Sant Singh:** (a) Will the Honourable Member for Industries and Civil Supplies please state the number of posts carrying monthly salaries of Rs. 500 to Rs. 750, Rs. 750 to Rs. 1,000, Rs. 1,000 to Rs. 1,500 and Rs. 1,500 and above in his Department including (i) the office of the Controller of Coffee, (ii) the office of the Paper Production Commissioner, (iii) the Council of Scientific and Industrial Research and its Director's office, (iv) the office of the Steel Controller, (v) the office of the Rubber Production Commissioner, (vi) the office of the Textile Commissioner, and (vii) the office of the Controller General of Civil Supplies?

(b) How many posts under each category are held by (i) Europeans, (ii) Anglo-Indians, (iii) Hindus, (iv) Muslims, (v) Sikhs, and (vi) others?

**The Honourable Sir M. Azizul Huque:** A statement is laid on the table of the House.

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## Statement

Grade	Total		Euro-peans	Anglo-Indians	Hindus	Muslims	Sikhs	Others	Remarks
	number of posts in each grade	2							
1		3	4	5	6	7	8	9	
<i>Department of Industries and Civil Supplies</i>									
500—750	14	9			3	1	1	1	Indian Christian.
750—1,000	5	3			1	1	..	..	
1,000—1,500	10	3	1	3	3	3	..	..	
1,500 and above	5	2	..	2	2	..	1	1	Parsee.
Total	34	4	1	17	9	1	2		
<i>(i) Office of the Controller of Coffee</i>									
500—750	..	..	..	..	..	..	1	..	Indian Christian.
750—1,000	1	1	..	1	..	..	..	..	
1,000—1,500	..	..	..	..	..	..	..	..	
1,500 and above	..	..	..	..	..	..	..	..	
Total	2	1	..	1	..	1	1	..	
<i>(ii) Office of the Paper Production Commissioner.*</i>									
500—750	1	..	..	..	1	..	..	..	* Transferred to the Department of Supply from 1st April 1944. Deputy Director of Paper.
750—1,000	..	..	..	..	..	..	..	..	
1,000—1,500	..	..	..	..	..	..	..	..	
1,500 and above	2	2	..	..	..	..	..	..	{ 1 Director of Paper. 1 Deputy Director of Paper.
Total	3	2	..	..	1	..	..	..	
<i>(iii) The Council of Scientific and Industrial Research and its Director's Office.†</i>									
500—750	6	5	1	1	1	..	..	..	† Transferred to the Department of Planning and Development from 18th August 1944.
750—1,000	1	1	..	..	..	..	..	..	
1,000—1,500	5	4	..	..	..	..	..	..	
1,500 and above	..	..	..	..	..	..	..	..	
Total	12	10	2	2	2	..	..	..	

	1	2	3	4	5	6	7	8	9
<i>(iv) Office of the steel Controller (Now Civil Steel Licensing Authority)</i>									
500—750 . . . . .	.	1	.	.	1	.	.	.	Parsee.
750—1,000 . . . . .	.	.	.	.	.	.	.	1	.
1,000—1,500 . . . . .	.	1	.	.	.	.	.	.	.
1,500 and above . . . . .	.	.	.	.	.	.	.	.	.
Total . . . . .	.	2	.	.	1	.	.	1	.
<i>(v) Office of the Rubber Production Commissioner</i>									
500—750 . . . . .	.	1	.	.	.	.	.	.	.
750—1,000 . . . . .	.	.	.	.	.	.	.	.	.
1,000—1,500 . . . . .	.	.	.	.	.	.	.	.	Indian Christian.
1,500 and above . . . . .	.	1	.	.	.	.	.	1	.
Total . . . . .	.	2	.	.	1	.	.	1	.
<i>(vi) Office of the Textile Commissioner</i>									
500—750 . . . . .	.	20	.	.	9	4	7*	5	Parsee, 1 Jew, 1 Indian Christian.
750—1,000 . . . . .	.	13	2	.	8	2	1†	1†	Indian Christian.
1,000—1,500 . . . . .	.	12	1	.	5	5	1†	.	.
1,500 and above . . . . .	.	8	4	.	4	.	.	.	.
Total . . . . .	.	53	7	.	26	11	9	.	.
<i>(vii) Office of the Controller General of Civil Supplies</i>									
500—750 . . . . .	.	9	1	.	6	2	.	.	.
750—1,000 . . . . .	.	1	.	.	1	.	.	.	.
1,000—1,500 . . . . .	.	5	.	.	2	3	.	.	.
1,500 and above . . . . .	.	8	1	.	4	2	1	.	.
Total . . . . .	.	23	2	.	13	7	1	.	.
<i>(viii) Office of the Paper Controller, India†</i>									
500—750 . . . . .	.	3	.	.	1	1	1	.	† Created from 15th May 1944.
750—1,000 . . . . .	.	.	.	.	.	.	.	.	.
1,000—1,500 . . . . .	.	.	.	.	.	.	.	.	1 Parsee.
1,500 and above . . . . .	.	2	1	.	.	.	.	1	.
Total . . . . .	.	5	1	.	1	1	1	1	.
GRAND TOTAL . . . . .	.	136	16	1	70	31	2	16	.

## COMMUNAL COMPOSITION IN HIGHER POSTS OF OFFICES UNDER THE FOOD DEPARTMENT

**220. \*Sardar Sant Singh:** (a) Will the Honourable Member for Food please state the number of posts carrying monthly salaries of Rs. 500 to Rs. 750, Rs. 750 to Rs. 1,000, Rs. 1,000 to Rs. 1,500 and Rs. 1,500 and above in (i) the Food Department (ii) the Directorate General of Food, (iii) the office of the Sugar Controller of India, (iv) the Regional Food Commissioners, and (v) the Group Liaison Officers (Food)? What number of posts is held under each category, by (i) Europeans, (ii) Anglo-Indians, (iii) Hindus, (iv) Muslims, (v) Sikhs, and (vi) others?

(b) What steps does the Honourable Member propose to take to remove this serious grievance of the Sikhs in this respect?

**The Honourable Sir Jwala Prasad Srivastava:** (a) (i). The Food Department has been reorganised and is now composed of three Divisions, the functions of the Directorate General falling largely into Division III. The number of posts in the categories specified in Divisions I and II of the Food Department are 17, 4, 6, and 13 respectively.

(ii) The corresponding figures for Division III are 11, 6, 12 and 9 respectively.

(iii) The figures are 1, 2, 1, and 1 respectively.

(iv) The figures are 4, 4, 2 and 5 respectively.

(v) The figures are 1, 2 and 1 for the first three categories and nil for the fourth category.

As regards the second part of clause (a) of the question, the number of posts held in each category by members of different communities is given below:—

	1st	2nd	3rd	4th	Total
(i) Europeans . . . . .	Nil	2	5	15	22
(ii) Anglo-Indians . . . . .	Nil	Nil	1	Nil	1
(iii) Hindus . . . . .	28	14	9	10	59
(iv) Muslims . . . . .	6	1	6	Nil	13
(v) Sikhs . . . . .	1	1	Nil	1	3
(vi) Others . . . . .	1	Nil	1	2	4
					<hr/>
					Grand Total
					<hr/> 102 <hr/>

(b) The Food Department are always anxious to take in members of minority communities when candidates with adequate qualifications are available for the vacancies which occur.

**Sardar Sant Singh:** Do I understand from the Honourable Member that the three posts held by the Sikhs are really held by them or Hindus describing themselves as Sikhs are also included in them?

**Mr. N. M. Joshi:** Sir, I rise on a point of order. My Honourable friend Sardar Sant Singh has been asking questions of a similar type for oral replies for which, in my humble judgment, there is nothing to be answered orally. I would like you to guide us whether such questions are suitable for oral reply.

**Mr. President** (The Honourable Sir Abdur Rahim): It is difficult to make that sort of distinction. It is left to the discretion of the Member. I have got to see whether a question whether it be starred or unstarred is in accordance with the Rules and Standing Orders. But whether the question should be starred or unstarred is left to the discretion of the Member himself.

**Mr. N. M. Joshi:** I wanted to point out our difficulty. If questions of this kind are put for oral replies, then those questions which really deserve oral replies are kept back. That is the difficulty which I have been feeling.

**Mr. President** (The Honourable Sir Abdur Rahim): That is for the Members themselves to decide. Besides, I must state that most of the answers to most of such questions are laid on the table.

**Sardar Sant Singh:** May I submit as a personal explanation on this point that Mr. Joshi has become unnecessarily nervous on this subject because I

find that such questions have been asked in the past and replies have been given.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, Order: I have given my ruling.

**Sardar Sant Singh**: May I ask the Honourable Member whether he has assured himself that these three posts are held by the Sikhs and not by the Hindus describing themselves as Sikhs?

**The Honourable Sir Jwala Prasad Srivastava**: As far as I know, they believe in *kais*, *kara* and *kirpan*. I cannot say anything more.

**Sardar Sant Singh**: Will the Honourable Member give me the names of these gentlemen? They are only three and he can easily give me the names.

**The Honourable Sir Jwala Prasad Srivastava**: I have not got the names with me, but I shall gladly give the names to my Honourable friend.

**Mr. N. M. Joshi**: May I ask the Government Members whether in the interests of the time of the House it will not be better if they prepare a list of their officers arranged according to the communities so that these questions may be avoided altogether and the time of the House may be saved? May I ask the Honourable the Home Member or any other Honourable Member who is responsible for this to give me a reply?

(No reply)

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has made his suggestion. Next question.

#### STATISTICS ~~AND~~ UNEMPLOYED LABOUR

**221. \*Mr. Govind V. Deshmukh**: Will the Honourable Member for Labour please state:

(a) if any statistics about unemployed labour in India is available; if so, what the number is, and how it is classified;

(b) if no statistics are available, when the Government intend to collect the same and classify it according to industries and under the heads "educated" and "uneducated";

(c) if the Government are aware that the United Nations are taking steps to maintain a high level of employment in their countries; and if so, when and what steps this Government intend to take to keep pace with them?

**The Honourable Dr. B. R. Ambedkar**: (a) The answer to the first part is in the negative; the latter part does not arise.

(b) Government at present collect statistics about employment in certain industries and they propose to take steps to improve and expedite such statistics. It is not however possible at present to collect statistics about unemployment.

(c) Government are aware that some of the United Nations are making plans to sustain a high level of employment even after the war. The reconstruction plans of the Government of India will also take into consideration the necessity of maintaining as high a level of employment as is available.

**Dr. Sir Zia Uddin Ahmad**: May I ask if the Honourable Member is alert that in the post-war reconstruction he should see that every person in India should get an employment?

**The Honourable Dr. B. R. Ambedkar**: I do not follow the question.

**Dr. Sir Zia Uddin Ahmad**: Will the Honourable Member for Labour in the post-war scheme of reconstruction watch the interests of the labour and see that no person is out of employment?

**The Honourable Dr. B. R. Ambedkar**: That should be our ideal, I accept.

**Mr. Govind V. Deshmukh**: What is the difficulty about the collection of statistics? I thought I had said set this Department in motion by asking a question about statistics a year ago. May I ask if the work of the collection of statistics has not yet begun?

**The Honourable Dr. B. R. Ambedkar**: I have just begun and I think we have made a good beginning.

**Mr. Govind V. Deshmukh**: May I ask what had he been doing for the last one year? When did he make a beginning?

**The Honourable Dr. B. R. Ambedkar:** We had many other things to do besides this. We have made a good beginning.

**Prof. N. G. Ranga:** May I ask if early steps be taken to initiate the gathering of statistics about unemployment in different industries?

**The Honourable Dr. B. R. Ambedkar:** I have already said that we have initiated the policy of collecting statistics.

**Mr. Govind V. Deshmukh:** May I know if anything has been done in carrying out the promise made to me last time in collecting statistics?

**The Honourable Dr. B. R. Ambedkar:** I have already said a beginning has been made.

#### POST-WAR SHIPPING POLICY

**222. \*Mr. Govind V. Deshmukh:** Will the Honourable Member for Commerce please state if he is now in a position to make a statement on post-war shipping policy of the Government of India? If so, will a statement be laid on the table?

**The Honourable Sir M. Azizul Huque:** The matter is still under consideration and Government of India will await the results of the deliberations of the Post-war Shipping Policy Committee recently appointed by them, which is meeting early next month.

**Mr. N. M. Joshi:** May I know whether on this Post War Shipping Policy Committee, there are any representatives of seamen?

**The Honourable Sir M. Azizul Huque:** We are considering the question of seamen separately.

**Mr. N. M. Joshi:** May I know whether the seamen are not interested in the policy of the Government of India as regards shipping and why they should not be placed on these Committees?

**The Honourable Sir M. Azizul Huque:** Frankly speaking, every one is interested in the other in this world. But there are certain specific matters which have to be dealt with in a specific manner, and the question of seamen is of such importance that I would not like to make it subsidiary to any other question of importance, and that is why I am considering the question of seamen quite separately.

**Mr. Govind V. Deshmukh:** What stage has been reached in the matter of sketching out this shipping policy? Has any beginning been made?

**The Honourable Sir M. Azizul Huque:** It depends upon how you look upon it. But I can say that certainly a beginning has been made.

**Mr. T. S. Avinashilingam Chettiar:** When does the Honourable Member expect this portion of the planning to be completed?

**The Honourable Sir M. Azizul Huque:** We have been trying to quicken the pace, but there are so many difficulties in this country that it takes a long time.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether the plan refers only to actual putting the plan into force or whether the Government have made any beginning at all?

**The Honourable Sir M. Azizul Huque:** I am not able to answer that question.

**Mr. T. T. Krishnamachari:** May I know when this Committee which he made mentioned of is going to hold its next sitting?

**The Honourable Sir M. Azizul Huque:** The first week of next month as the programme stands at present.

**Mr. Lalchand Navalrai:** May I know if in this important business scheme, the Honourable Member will take the representations of seamen into consideration at any stage?

**The Honourable Sir M. Azizul Huque:** It is very difficult for me to answer a problematical question.

#### POST-WAR TRADE AND INDUSTRIAL POLICY

**223. \*Mr. Govind V. Deshmukh:** Will the Honourable Member for Commerce please state:

(a) if any decisions have been reached by the Government on the question of India's post-war trade and industrial policy; and

(b) if a decision will now be taken by the Government to reserve Indian coastal trade for Indian vessels on account of the circumstances arising out of this war; if not, why not?

**The Honourable Sir M. Azizul Huque:** (a) The Government of India has appointed two Committees to advise on questions connected with post-war trade and industrial development. Government's policy in regard to these matters is under consideration.

(b) The future of Indian coastal trade will be considered by the relevant Policy Committee.

**Mr. Lalchand Navalrai:** How long will it take?

**The Honourable Sir M. Azizul Huque:** As soon as the situation will arise?

**Mr. Lalchand Navalrai:** At what time?

**The Honourable Sir M. Azizul Huque:** God alone knows.

**Mr. T. S. Avinashilingam Chettiar:** What do you know?

**Mr. Govind V. Deshmukh:** Have any steps been taken by Government?

**The Honourable Sir M. Azizul Huque:** We have taken preliminary steps to make a start as soon as the situation is ripe for it.

**Mr. N. M. Joshi:** Have the Government of India made up their mind that in the conduct of industries like shipping and also in the conduct of trade, those who are employed in that trade and industry are not going to have any voice at all?

**The Honourable Sir M. Azizul Huque:** I am afraid I am not able to answer a general question like this. In any case, that is a matter which will have to be considered very carefully in connection with post war planning development.

**Mr. N. M. Joshi:** Are not these seamen going to have any voice? Are they not going to look into the matter of policy as regards shipping and trade in which they are to be engaged?

**The Honourable Sir M. Azizul Huque:** I have said that the question of shipping policy *vis-a-vis* the different sections of the employees is a matter which is still under consideration and it is too early for me to say anything about this matter.

**Mr. Govind V. Deshmukh:** Will the Government of India bring to the notice of His Majesty's Government and consider this matter seriously and quickly inasmuch as the expansion of the Navy depends on mercantile marine shipping?

**The Honourable Sir M. Azizul Huque:** We are very much alert about the situation and we are trying to do our best. There is one point which I might mention as the last supplementary question arose out of seamen. I was referring only to representation of seamen on the Shipping Policy Committee. But as far as I know in both Industry and the Trade Policy Committee, there are representatives of labour in there. We have been quite alert in this matter.

**Mr. T. T. Krishnamachari:** With reference to part (a) what are the two Committees that he mentioned, and how many sittings of these have been held? Is there any report published of the proceedings of the Committee?

**The Honourable Sir M. Azizul Huque:** There is a Committee on Trade and another Committee on Industries.

†224. \*

#### POST-WAR CONTROL OF IMPORTS AND EXPORTS

225. \***Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Commerce Member please state whether the Government of India are contemplating to control the import and export of all principal articles in this country even after the cessation of hostilities?

(b) Will the sale of the imported and Indian manufactured articles be limited to those persons who hold the license which will be given at the will of the District Magistrates? In case the answer is in the affirmative, what safeguards have been provided that these licenses not only in number but also in quantity are distributed among various communities in equitable manner?

†This question has been postponed to be answered on the 15th November, 1944.

(c) Will the export and import for India be confined to few British Companies which will have branches in this country, or the Government will allow open competition in the interest of the consumers?

**The Honourable Sir M. Azizul Huque:** (a) and (c). The matter is under consideration. But I may say at once that the answer to the first part of (c) is in the negative.

(b) The sale of articles included in the schedule to the Consumer Goods (Control of Distribution) Order, 1944 will be made, if the Controller General of Civil Supplies considers it to be necessary, through dealers approved by him. The appointment of the approved dealers will be made ordinarily from amongst established representatives of importers, and the claims of these will be disregarded only when there is reason to believe that they cannot be relied upon to abide by the conditions, subject to which the distribution of the goods in question has been approved by the Controller General of Civil Supplies. The basis being the maintenance of normal trade channels, the question of selection by communities does not arise.

**Dr. Sir Zia Uddin Ahmad:** If as the Honourable Member said the answer to part (c) is in the negative, then what is there to be considered?

**The Honourable Sir M. Azizul Huque:** I said that the points which the Honourable Member raised in parts (a) and (c), except in the latter part of (c) are under consideration. I have put it quite mathematically. (a) *plus* (c) *minus* the latter part of (c).

**Mr. Manu Subedar:** May I know whether it is not a fact that on account of the ingenious method of deciding quota, as a matter of fact larger quotas have been allotted to British firms because they were dealing with British countries and the Indian exporting firms have been cut out?

**The Honourable Sir M. Azizul Huque:** I am not prepared to accept that as a general statement of the situation.

**Mr. Manu Subedar:** Will the Honourable Member ascertain whether it is not a fact that Indian exporting firms which were trading with Germany, Japan and Italy and other countries have been cut out on the ingenious plea that they were not exporting to certain remaining countries now and that the British firms who were exporting . . .

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

**Mr. Manu Subedar:** No, Sir, I am merely enquiring whether the Honourable Member would look into it and tell this House if Indian firms have been cut out on the plea I have mentioned.

**The Honourable Sir M. Azizul Huque:** I have been looking into the whole question. It is difficult for me to explain the multiple ramifications of the Import and Export Control policy in answer to supplementary questions. There is no doubt about this that to a certain extent, those who had been dealing in the past with enemy countries have not been able to get it as against those who have been dealing with Allied countries, but that is without any consideration as to whether they are British or Indian firms.

**Dr. Sir Zia Uddin Ahmad:** Will the Honourable Member lay a full statement on the Import and Export policy, if he is not prepared to answer it in reply to a supplementary question.

**The Honourable Sir M. Azizul Huque:** If there is a relevant Resolution, I shall certainly try to discuss every matter before this House. But I may inform my Honourable friend that control of import and export involving the whole continent of India and involving millions and millions of rupees is a matter which is rather difficult to bring down within the four corners of general principles within a few hours.

**Dr. Sir Zia Uddin Ahmad:** Is it necessary to control at all after the war?

**The Honourable Sir M. Azizul Huque:** On that question, opinions differ. The Opinion which we have got for the time being is that left to absolute free trade and free dealings, there might be quite an economic chaos in this country.

**Prof. N. G. Ranga:** In view of the Honourable Member's statement that he is agreeable to place all the material at his disposal before the House if there



is a relevant Resolution on the subject, will he be good enough to take an early opportunity to move an official Resolution on the subject?

**The Honourable Sir M. Azizul Huque:** I should be glad to do it but I think it will be unfair to the Department to place an official Resolution on the agenda without knowing the points on which my Honourable friends want elucidation. I can quite frankly say that it is difficult to get information from different places like Bombay, Calcutta, Madras, Karachi, Rangoon, Chittagong, etc., without knowing the specific points on which information is required.

**Mr. Manu Subedar:** May I know why the total export trade of India was not divided out fairly between all the pre-war exporters instead of giving a larger share to British firms?

**The Honourable Sir M. Azizul Huque:** That is a point that I do not accept.

**Dr. Sir Zia Uddin Ahmad:** Has the Honourable Member considered that restriction of the type contemplated by him will lead to unthinkable corruption?

**The Honourable Sir M. Azizul Huque:** I do not think so.

+226. \*

#### STEPS FOR MAKING UP THE LOSS OF BURMA RICE

**227. \*Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable the Food Member be pleased to state the quantity of rice which used to come from Burma and the supply of which was stopped on account of the loss of Burma?

(b) What steps did the Food Department take to make up the loss of rice on account of the loss of Burma?

(c) Is the Honourable Member aware of the fact that there exists in Assam over 5½ million acres of land?

(d) Is the Honourable Member aware of the fact that plenty of labour is available in Bengal and elsewhere who are willing to cultivate the land and increase the production of rice?

(e) Is the Honourable Member aware of the fact that the staple food in Bengal is rice and that the people of Bengal cannot easily assimilate the foodgrains normally consumed in upper India?

(f) Is it the function of his Department to procure food? If so what steps has he taken for increasing the quantity of food and in making up the loss of food supply on account of the loss of Burma?

(g) If the replies to (a) to (f) above are in the negative, will the Honourable Member be pleased to state the Department which deals with the procurement of food?

(h) Did the Honourable Member ever have any consultation with the Honourable Member in charge of procurement about the necessity of increasing the question of rice in this country?

**The Honourable Sir Jwala Prasad Srivastava:** (a) The average import of paddy and rice from Burma for five years (1937-38 to 1941-42) was 42,000 tons and 13,60,000 tons respectively.

(b) The following are some of the steps taken by the Government of India to make up for the loss of rice which used to be exported from Burma.

(1) In March 1942 the 'Grow More Food Campaign', which includes increased production of rice, was started. Financial assistance has been given to the Provinces in the form of loans and grants for financing various food production schemes which include distribution of improved seeds at concessional rates, multiplication of improved strains of paddy seeds, distribution of manures at concessional rates, reclamation of waste lands and construction of irrigation works. Steps are being taken to import fertilizers from abroad.

(2) At the instance of the Central Government several provinces have issued orders regarding the undermilling of rice with the object of increasing the total quantity of food available.

(3) Exports of foodgrains have been prohibited and imports arranged.

(c) The cultivable waste in Assam is over two million acres.

(d) Steps are already being taken to accelerate the extension of the food producing area in Assam and to increase the production of rice.

+This question has been postponed to be answered on the 15th November, 1944.

(e) The answer to the first part of the question is in the affirmative. As regards the second part, people generally find it easier to assimilate foodgrains to which they are accustomed than those to which they are not accustomed.

(f) The answer to the first part of the question is in the affirmative but the production of food is the responsibility of the Education, Health and Lands Department.

For the answer to the second part of the question the Honourable Member is referred to my answer to clause (b) of his question.

(g) and (h). Food Department deals with procurement of food.

**Sir Vithal N. Chandavarkar:** Will the Honourable Member explore the possibility of importing rice from Egypt which, according to my information, has surplus rice available for export, and to which, I believe, we export cloth at controlled rates?

**The Honourable Sir Jwala Prasad Srivastava:** I have already taken up the matter.

**Prof. N. G. Ranga:** With reference to part (c) will the Honourable Member be pleased to state how much of these two million acres of waste land has been brought under cultivation under this 'Grow More Food Campaign'?

**The Honourable Sir Jwala Prasad Srivastava:** As I have stated, the question of that waste land is under examination. It is not free from difficulties; labour has got to be arranged for and the land has to be made fit for cultivation before it will produce rice. The whole matter is being examined.

**Dr. Sir Zia Uddin Ahmad:** My Honourable friend gives this figure as two million acres, but is it not 5½ million acres?

**The Honourable Sir Jwala Prasad Srivastava:** There is a mathematical mistake somewhere. The total area under rice in Assam is 5½ million acres. The cultivable land not under cultivation is two million acres.

**Mr. H. A. Sathar H. Essak Sait:** Arising out of part (f), will the Honourable Member state whether there is any co-ordination between the two Departments of Food and Agriculture and whether there is any plan for co-operation between the two?

**The Honourable Sir Jwala Prasad Srivastava:** Yes, we work together all the time.

#### IMPORT AND EXPORT QUOTA FOR MUSLIM TRADESMEN

**228. \*Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable Member for Commerce be pleased to state whether the Government of India have fixed a share for the Muslim tradesmen in the import and export quota fixed by his Department?

(b) Will the Honourable Member lay a statement on the table of the House giving the number of those persons to whom the import and export quotas have been given with the value and the quantity in both import and export trades?

**The Honourable Sir M. Azizul Huque:** (a) No, Sir.

(b) The information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war-time.

#### EMBARGO ON EXPORT OF LUNGIS FROM MADRAS.

**229. \*Dr. Sir Zia Uddin Ahmad:** Will the Honourable Member for Commerce be pleased to state whether the export of cotton textiles of India has been totally stopped? If not, what are the reasons for putting an embargo on the export of lungis from Madras?

**The Honourable Sir M. Azizul Huque:** (a) Exports of cotton textiles including lungis are regulated according to a quota scheme. There is no embargo on the export of lungis from Madras.

**Dr. Sir Zia Uddin Ahmad:** Is it not a fact that there was an embargo on the export of lungis from Southern India?

**The Honourable Sir M. Azizul Huque:** Not so far as I am aware, but whether those lungis should go to Bengal or to the U. P. was a matter that depended on the exigencies of the local situation and the transport difficulties.

**Dr. Sir Zia Uddin Ahmad:** I am talking of an embargo on exports. Was there a prohibition on the export of handloom cloth?

**The Honourable Sir M. Azizul Huque:** I am not aware of it, but if my Honourable friend will write to me I will look into it.

#### EXPORT OF LEATHER, ETC., TO THE UNITED KINGDOM

**230. \*Dr. Sir Zia Uddin Ahmad:** (a) Will the Honourable Member for Commerce be pleased to state whether the export of leather, raw hide and skin has been stopped except in the case of United Kingdom? If so, why?

(b) Is it not a fact that the United Kingdom is not buying raw hide, leather and skin at the current prices but at the prices which existed in October, 1939?

(c) Is it not a fact that the difference in the market prices and the prices at which the Government sells these things to the United Kingdom falls on the consumers of India, and the price of leather is consequently much enhanced?

(d) Is it not a fact that export of raw hide and skin which used to be in the neighbourhood of 60 million pieces before the war has now been reduced to one million?

(e) Is it the policy of the Government of India to transfer the entire trade of hide and skin from persons who could afford to sell at cheaper rates to persons who would charge high prices? If not, how will he explain the existing facts?

**The Honourable Sir M. Azizul Huque:** (a) Exports of certain varieties have been prohibited to all destinations, including the United Kingdom, for the purpose of conserving supplies required in the country. Exports of other varieties are allowed under licence to several countries including the United Kingdom.

(b) *Raw hides:* Exports of raw hides to the United Kingdom and in fact to any country are now negligible as the available supplies are almost wholly utilised within the country. The fixation of reasonable ceiling prices for hides sold for export as well as for indigenous utilisation is under active consideration.

*Leather and skins:* The prices paid by the United Kingdom for these commodities have been advanced from time to time above the pre-war level, to the extent necessary to obtain supplies from the trade.

(c) Sales of raw hides, leather and skins to the United Kingdom are not effected by the Government of India. Ceiling prices for several varieties of leather have been fixed by the Government of India in recent months and these are applicable both to sales for export and for internal sales in the country.

(d) Exports of raw hides, as explained against part (b), are now very small. Exports of raw skins during 1943-44 were only about 17 per cent. less than the pre-war average.

(e) The point raised by the Honourable Member is not understood. The reduction in exports is due, among other causes, to greatly increased consumption in the country and the policy of the Government of India is to fix ceiling prices for raw hides and leather and to organise equitable distribution as far as possible.

#### EXTENSION OF APPELLATE POWERS OF THE FEDERAL COURT

**231. \*Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Law Member please state if it is a fact that the present Honourable Chief Justice of India paid visits to the various High Courts of India, and everywhere he found that the opinion was unanimously in favour of the extension of the appellate powers of the Federal Court?

(b) Are Government aware that from the trend of the speeches delivered by him and of the talks he had, the general impression was that he was in favour of the extension of the powers of the Federal Court so as to comprise the power of hearing appeals from the High Courts?

(c) Is it or is it not a fact that the Government have also been considering the question of extending the powers of the Federal Court? If so, since when?

(d) At what stage are the preparations for extending the powers of the Federal Court for hearing appeals from High Courts?

(e) What are the chief difficulties in the way of the Government for extending the powers of the Federal Court in that direction?

**The Honourable Sir Asoka Roy:** (a) It is a fact that the Chief Justice visited all the High Courts in India. On my information, it is not a fact that the opinion disclosed in favour of the extension of the Federal Court's appellate powers was unanimous.

(b) I cannot say what the general impression was, but the Chief Justice has authorised me to say that he is in fact in favour of the extension.

(c) to (e). The Honourable Member is referred to my predecessor's reply to his starred question No. 151 asked on the 19th February, 1943. The question still forms the subject of correspondence with the Secretary of State and I am not in a position to furnish any further information.

**Mr. Lalchand Navarai:** May I know if any consultation is going on with the British Government in regard to the extension of these powers?

**The Honourable Sir Asoka Roy:** I have said that the question still forms the subject of correspondence with the Secretary of State.

#### REVIVING OF THE 'CRIPPS PROPOSALS'

232. **\*Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Leader of the House please state whether he has seen the press reports about a prolonged exchange of opinions and consultations between Qaid-i-Azam Jinnah and Mahatma Gandhi in connection with the solution of the political deadlock and the future constitutional reforms in India, which has unfortunately failed at least for the time being?

(b) Have the Government considered the general situation in the country after this failure, and have they under contemplation any schemes for the future constitutional reforms for India?

(c) Have the Government considered the advisability of taking steps for giving practical shape to the Cripps proposals and working them in the country with the help of the parties who are prepared to co-operate with the Government in that behalf?

(d) Have the Government considered the advisability of ascertaining general opinion in the country under the present circumstances regarding the Cripps proposals? If so, have they taken any steps in that direction?

**The Honourable Sir Sultan Ahmed:** (a) Yes.

(b), (c) and (d). The Government's policy in regard to the constitutional future of India has been made clear on more than one occasion in the past and, as late as the 15th August, in His Excellency the Viceroy's letter to Mr. Gandhi.

**Mr. Lalchand Navarai:** In view of the failure of the talks between Mahatma Gandhi and Mr. Jinnah will Government recommend to His Excellency the Viceroy that these leaders should be called together and the deadlock removed?

**The Honourable Sir Sultan Ahmed:** I have nothing further to add to my reply.

**Mr. N. M. Joshi:** May I ask if the Government of India will release the Members of the Congress Working Committee in order to facilitate talks on communal unity between the representatives of the Muslim League and the Indian National Congress?

**The Honourable Sir Sultan Ahmed:** That question, I submit, does not arise.

**Mr. N. M. Joshi:** With regard to the reply of the Honourable Member to parts (b), (c) and (d) of the question, may I ask whether the situation has not changed at all and time has not lapsed between the speech which His Excellency the Governor General made and the present time and whether the changed situation does not require some changed action on the part of Government?

**The Honourable Sir Sultan Ahmed:** I have nothing further to add to my reply.

**Sardar Sant Singh:** May I ask the Honourable Member whether, after the breakdown of negotiations between Mahatma Gandhi and Mr. Jinnah, Government has considered the question of taking an initiative in the matter of bringing together all the communities of India on somewhat the same lines as the

Round Table Conference, and to see if anything can be done in bringing about a compromise between the different communities?

**The Honourable Sir Sultan Ahmed:** Sir, the same question is being put in different language by different members.

**Qazi Muhammad Ahmad Kazmi:** May I suggest that this policy of inaction on the part of Government can be of no use either to the Government or to the country?

**The Honourable Sir Sultan Ahmed:** It is the same question which another Honourable Member has put.

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

#### AUTHORITY FOR SCRUTINIZING QUALIFICATIONS FOR CONFERMENT OF KNIGHTHOOD

**233. \*Qazi Muhammad Ahmad Kazmi:** Will the Honourable the Leader of the House please state if there is any authority appointed by the Government who scrutinizes the qualifications of the persons who are to receive the title of Knighthood? If so, what is that authority?

**The Honourable Sir Sultan Ahmed:** The conferment of knighthood is a prerogative of the Crown and the Government of India are not concerned.

**Mr. Lalchand Navalrai:** His Majesty confers Knighthood. Who removes them?

**The Honourable Sir Sultan Ahmed:** Obviously the Crown.

**Qazi Muhammad Ahmad Kazmi:** May I know whether the Government of India or the Provincial Government have any hand whatsoever in making recommendations for the title of Knighthood?

**The Honourable Sir Sultan Ahmed:** The question was 'who scrutinizes the qualifications'. It has nothing to do with recommendations.

**Qazi Muhammad Ahmad Kazmi:** Do any of these whom I have mentioned in my supplementary question scrutinize the qualifications of these gentlemen?

**The Honourable Sir Sultan Ahmed:** I am not in a position to answer that because this is a prerogative of the Crown, and the Crown is entitled to have the advice of anyone that the Crown pleases.

**Qazi Muhammad Ahmad Kazmi:** Have the Government of India any information whatsoever in respect of the conferment of Knighthood?

**The Honourable Sir Sultan Ahmed:** They have got all sorts of information with respect to many things in this world, but I do not know whether I can add usefully to the answer that I have already given.

**Sardar Sant Singh:** May I know if Members of the Government are given a power to recommend their own favourites and whether the Honourable Member has got any reservations?

**The Honourable Sir Sultan Ahmed:** No, not favourites.

#### CRITICISMS AGAINST ENCOURAGING IMPORTATION OF CONSUMERS GOODS

**234. \*Mr. K. C. Neogy:** (a) Will the Honourable Member for Industries and Civil Supplies be pleased to state whether criticisms have been made by or on behalf of Indian industrialists of the present policy of encouraging the importation of consumers goods as having a prejudicial effect upon the indigenous industries? If so, will the Honourable Member be pleased to indicate the general lines of such criticisms, stating at the same time what steps are actually taken in the case of each indigenous industry likely to be affected by the importation of any particular type of consumers' goods for the purpose of finding out whether and how such industries are likely to be prejudiced by the importation of such goods?

(b) Is it a fact that different organisations of Commerce and Industry have suggested the establishment of a suitable machinery for the purpose of working as a liaison between the Department of Industries and Representatives of Indian manufacturing interests so as to ensure that legitimate interests of the existing and potential indigenous industries are not jeopardised by the Government's policy of importation?

(c) Do Government possess complete statistics of the production of each indigenous industry in the country which has been or may be affected by the

present policy of importation of consumers' goods, and are Government in possession of all facts relating to any handicaps from which they may be suffering in the matter of maintaining or increasing their production? What is the policy of Government in regard to rendering these industries necessary assistance for the purpose of removing such handicaps?

(d) Is it a fact that foreign manufacturers of consumers' goods are, in some instances, in receipt of State assistance in the matter of supply of controlled raw materials so as to enable them to manufacture finished products for export?

(e) Which indigenous industries in this country engaged in the manufacture of consumers' goods, which do not fall within the category of war materials, have been assisted by Government in the matter of obtaining any controlled raw materials?

**The Honourable Sir M. Azizul Huque:** (a) Yes. Certain trade organisations representing Indian manufacturers have represented that the import of Consumer Goods is likely to have an adverse effect on Indian industries, especially those which have been created since the war to make goods shortages in imported Consumer Goods, owing to the higher cost of the Indian made articles. The suggestion has been that Indian industries are hampered in meeting such competition owing to the difficulty of obtaining raw materials, fuel, etc. In fact, however, Government import Consumer Goods only when it is established on the basis of information received from trade sources and the Government Departments concerned, that even after the grant of all possible assistance, adequate supplies cannot be indigenously manufactured to meet the immediate need.

(b) Yes. Two trade bodies have made this suggestion.

(c) Neither Government nor the trade associations concerned nor any other body possess complete statistics of the production of indigenous industries. Government made full use of all information available with trade associations and other bodies regarding the disabilities of Indian industry, which is assisted in every way open to the Government of India having regard to the difficulties of transport, fuel and similar shortages and the over-riding priority accorded to Defence projects.

(d) Factories established in India by non-Indian manufacturers receive the same degree of assistance as other industries. Requests for export of their goods are dealt with on the same lines as requests from other industries.

(e) There is no industry of any importance in this country which has not at one time or another received assistance in the provision of fuel, transport, raw materials or similar assistance.

**Mr. K. C. Neogy:** With reference to the second part of clause (a) of my question, may I know whether an enquiry is made in each particular instance as regards the way in which an indigenous industry may be prejudicially affected by the policy of importation followed with regard to a corresponding article from abroad?

**The Honourable Sir M. Azizul Huque:** I might say that before any consumer goods are imported, it is decided from time to time as a block as to what quantity of the different goods are to be imported. When that is done, each case of imported goods which is manufactured in this country is taken into consideration together with the quantity, and a complete list is prepared showing how far they are available and to what extent there is likely to be any shortage.

**Mr. T. T. Krishnamachari:** May I ask the Honourable Member if it is not a fact that the nature and quantity of goods exported from the United Kingdom to India is decided not by any authority in India but by authorities in England?

**The Honourable Sir M. Azizul Huque:** No, Sir. We decide as to how much we will import. Thereafter it is for the exporting countries to say whether they can supply. It never depends on the other side to say as to how much they can send, but if there is a demand for an article and they can send it, we certainly accept.

**Mr. Manu Subedar:** Will the Honourable Member take steps to see that the consumer goods imported or, if I may say so, dumped in this country from

the United Kingdom are not sold at a price which is prejudicial to corresponding goods produced in this country?

**The Honourable Sir M. Azizul Huque:** In the present economic condition of India, there is no chance of either dumping some of the consumer goods which we are importing, or any disturbance of the price structure of the manufactured goods in this country.

**Prof. N. G. Ranga:** Does the conception of the Government with regard to indigenous industries include the cottage industries also. If so, are they keeping the interests of the cottage industries constantly in their mind when they import consumer goods from other countries into India?

**The Honourable Sir M. Azizul Huque:** About Government's conception or the conception of anybody else I do not know, but I can say that so far as cottage industries and handloom goods are concerned, they are constantly before us, and I have personally looked into this case whenever there has been any suggestion that it affects the cottage industry.

**Dr. Sir Zia Uddin Ahmad:** Has the Honourable Member received any representations from Surat and Burhanpur handloom weavers that they are not getting yarn from Bombay?

**The Honourable Sir M. Azizul Huque:** I have received a telegram only three minutes ago.

**Mr. K. O. Neogy:** Do I understand that Government have no proposal under consideration for the purpose of obtaining complete statistics of production in respect of indigenous industries.

**The Honourable Sir M. Azizul Huque:** We have.

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

#### BICYCLE MANUFACTURING INDUSTRY.

**235. \*Mr. K. O. Neogy:** Will the Honourable Member for Industries and Civil Supplies be pleased to state:

(a) the general position of the bicycle manufacturing industry in India and the Government policy, if any, in the matter of assisting the industry in any way;

(b) whether it is a fact that the Hind Cycles Company, Limited, have been forced to stop the manufacture of bicycles owing to Government's failure to grant necessary facilities for the importation of steel;

(c) whether such facilities were granted in the past to this company, and the reasons for their discontinuance;

(d) whether it is a fact that an assurance was given by a previous Commerce Member that the cycle industry will receive all necessary assistance from the Government; and

(e) whether bicycles of British manufacture are being imported into India under the present policy of importation of consumers' goods, the number of such bicycles imported during the past one year or so, together with their current prices in the United Kingdom and their selling prices as fixed in India?

**The Honourable Sir M. Azizul Huque:** (a) There are at present two firms manufacturing cycles in India (excepting certain components which have to be imported). Their combined capacity can meet less than half of India's estimated requirements. Government's policy is to give them all possible assistance.

(b) The Hind Cycles Co. have suspended production of complete cycles because of the lack of certain raw materials which the U. S. A. refuse to release. The Government of India are trying alternative sources for the supply of these.

(c) The answer to the first part is "Yes". The second part does not arise.

(d) No such assurance has been given with special reference to cycle industry.

(e) (i) Cycles are imported under the Consumer Goods Programme.

(ii) It would not be in public interest to give recent figures of imports.

(iii) The average f.o.b. price in U. K. is about £4-9-0 per cycle.

(iv) The wholesale selling price of imported bicycles as fixed in India varies from Rs. 99 to Rs. 128 according to the make.

**Mr. K. O. Neogy:** With regard to the Honourable Member's statement that the United States refused to release certain raw materials which were used to be

supplied to this industry, will the Honourable Member be pleased to state whether ever since that refusal the firm concerned has not made several indents for the supply of the raw materials and what has happened to all those indents?

**The Honourable Sir M. Azizul Huque:** Four indents are still outstanding with the Steel Import Controller. Government are prepared to issue necessary licenses but if the authorities on the other side are unwilling to release this material it is no use granting the licenses. The question of obtaining this material from alternative sources is under consideration and as soon as we can get it we shall issue import licenses from those countries.

**Mr. K. O. Neogy:** Is the alternative source the United Kingdom or any other country?

**The Honourable Sir M. Azizul Huque:** I cannot say offhand but it must be the United Kingdom or Canada or some other country from which we can get it.

**Mr. N. M. Joshi:** The Honourable Member made a statement that it is not in the public interest to give the figures of the cycles imported. May I ask which section of the public he referred to—the users or the producers?

**The Honourable Sir M. Azizul Huque:** I am referring to all concerned.

#### COTTON TEXTILE MILLS TAKEN OVER BY GOVERNMENT.

**236. \*Mr. K. O. Neogy:** (a) Will the Honourable Member for Industries and Civil Supplies be pleased to make a statement giving the names of cotton textile mills that have been taken over by Government for management under total or partial Government control, together with the maximum manufacturing capacity of these mills?

(b) What are the reasons for assumption of Government control over the management of these mills?

(c) Has any increase in the production been achieved as a result of such assumption of control, and, if so, what has been the rate of such increase, as compared with any general increase that may have taken place in the rate of production of cotton textiles in the country as a whole during the same period?

**The Honourable Sir M. Azizul Huque:** (a) and (c). The Shree Ram Mills and the Seksaria Mills. The other information is being collected and will be furnished to the Honourable Member in due course.

(b) For attempting to break the Control.

#### SLAUGHTER OF BOVINE CATTLE.

**237. \*Mr. Manu Subedar:** Will the Secretary for Education, Health and Lands be pleased to state whether Government have assured themselves that more cattle of the bovine species are not slaughtered in India than are being produced? If so, on what basis and on the strength of what figures?

**Mr. J. D. Tyson:** Exact figures of the number of cattle produced or slaughtered in India every year are not available. But it has been estimated, on the basis of the female bovine population that 44 million calves are born every year. The cattle census of 1940 showed that the number of calves under one year of age was 28½ millions, indicating that about 35 per cent. of those born die in their first year. The number of bovines slaughtered, according to the report on the marketing of hides in India is of the order of 6.6 millions a year. These figures show that there is a big margin between the number produced and the number slaughtered.

(As Mr. J. D. Tyson read through the answer)

**Mr. Manu Subedar:** There has been too much noise on this side of the House and I have not been able to hear the answer.

**Mr. J. D. Tyson:** I will read it again.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order.

(Mr. J. D. Tyson read the answer again.)

**Mr. Manu Subedar:** Is the Honourable Member aware that owing to the complete agricultural liquidation in Bengal in rural areas a large number of female bovine included in his figure have been killed and that after their death they cannot produce further calves?

**Mr. J. D. Tyson:** I do not admit the correctness of the first part of the question.



**Prof. N. G. Ranga:** Are any steps being taken to prevent this infantile mortality among cattle?

**Mr. J. D. Tyson:** Yes, Sir. That is of course the concern of the Veterinary Department in all the provinces, to try to decrease "infantile mortality" in cattle.

**Prof. N. G. Ranga:** What is the contribution that is being made by the Government of India?

**Mr. J. D. Tyson:** We maintain a Research Institute at Izzatnagar.

#### RISE IN PRICE OF MILK, MEAT AND CATTLE.

**238. \*Mr. Manu Subedar:** (a) Has the Honourable the Food Member noticed the phenomenal increase in the price of meat and milk, and the price of cattle throughout the country?

(b) Have Government considered that owing to the increased price of replacement of farm bullocks the "Grow More Food" campaign might fail and actually less food may be grown because of the inability of the farmer to replace a bullock which dies a natural death?

(c) Have Government received complaints that rural transport has been seriously affected owing to the shortage of bullocks and, in its turn, this is having effect on the movement and prices of food and other commodities?

(d) Have Government considered the desirability of stopping the slaughter of all bovine cattle for a period of three months until they get the situation in hand and they know exactly where they are in the matter of cattle?

(e) What steps, if any, have Government taken for the importation of cattle from outside and for the strict prohibition not only of export but of supply to ships in docks of cattle from India and the export of cattle or meat for the military outside India?

(f) Are Government in a position to give any assurances to the public on this issue?

**Mr. J. D. Tyson:** (a) Government are aware of the fact that the prices of milk, meat and cattle have increased. Although no reliable figures are available it is probably correct that prices of livestock have increased in sympathy with the general trend of prices and in excess of that trend in some areas.

(b) Enquiries made some months ago showed that except in a few localities in the United Provinces the campaign had not been adversely affected by bullock shortage.

(c) No such complaints have been received by the Government of India.

(d) As I informed the House in reply to Mr. Neogy's question No. 187 on the 7th November, 1944, Government have already issued instructions about the slaughter of useful cattle.

(e) No cattle have been imported from abroad, but their export has been restricted to the 1941-42 level which is 1,824 p. a. The export of the following classes of cattle is prohibited:—

(i) cattle in milk, pregnant cattle, and female young stock which have not yet calved,

(ii) all male cattle fit for being used for ploughing, or transport purposes,

(iii) breeding bulls.

The proper provisioning of ships is necessary and it is not feasible to prohibit the supply of cattle to ships in docks for use during the voyage. Beef in the form of cattle on the hoof or fresh is not exported from India by the Defence Services.

(f) The Government of India are carefully watching the situation and taking steps to conserve and improve good breeding stock.

**Mr. Manu Subedar:** With regard to (e), i.e., dislocation of rural transport, will the Honourable Member make an enquiry from all the provincial administrations on this subject whether rural transport has been dislocated?

**Mr. J. D. Tyson:** Yes, Sir.

**Mr. Manu Subedar:** Will the Honourable Member further find out whether the report that in Hissar district owing to the shortage of plough cattle women had to take the plough is correct or not?

**Mr. J. D. Tyson:** We did enquire into it sometime ago and I think it was denied by the Punjab Government.

**Mr. Mann Subedar:** Will the Honourable Member enquire from the Bengal Government whether it is not a fact that the next harvest crop is  $1\frac{1}{2}$  million tons less and the principal reason is shortage of plough cattle?

**Mr. J. D. Tyson:** I will make an enquiry.

**Prof. N. G. Ranga:** Will the Honourable Member consider the advisability of appointing an official enquiry to examine the whole question of the effects of the slaughter of cattle upon the 'Grow More Food' campaign and to investigate the ways and means by which this loss can be minimised?

**Mr. J. D. Tyson:** On our present information, we see no reason for an official enquiry.

#### EMPLOYMENT OF WOMEN UNDERGROUND IN MINES.

**239. \*Mr. Mann Subedar:** (a) Will the Honourable the Labour Member be pleased to state if it is a fact that the employment of women underground is against the Geneva Convention accepted by the Government of India?

(b) Is Government aware that no such employment has taken place in the United Kingdom in spite of the stress of war requirement?

(c) When did Government make this relaxation, and why?

(d) How long do Government expect to keep it open to employ women in coal mines?

(e) How many women are so employed?

(f) What is the wage earned by women underground, and how does it compare with the earnings of women employed in other trades?

(g) What steps have Government taken to safeguard the health and morale of women underground in coal mines?

**The Honourable Dr. B. R. Ambedkar:** (a) Yes.

(b) Yes.

(c) August 1943 in the case of coalfields in Central Provinces and Berar, November 1943 in the case of Bengal and Bihar and December 1943 in the case of Orissa. Owing to severe shortage of male labour in these coalfields.

(d) The Government are most anxious to re-impose the ban as soon as the production of coal reaches a figure which makes possible such re-imposition.

(e) An accurate figure of the total number of women employed underground cannot be given as this figure varies from day to day. It is however estimated that about 16,000 women are at present employed underground in all coal mines in Bengal, Bihar, Central Provinces and Orissa.

(f) Women employed underground are entitled to the same wages as men on similar work. The wages of women employed underground vary from annas 0-12-0 to annas 0-15-0 a day exclusive of the free rice concession. Up-to-date information in respect of wages of women in other trades is not readily available.

(g) Women are not allowed to be employed underground in galleries which are less than  $5\frac{1}{2}$  feet in height. They are also entitled to the benefits of the Mines Maternity Benefit Act, 1941. For the purpose of enforcing the provisions of this Act and rules made thereunder, three Inspectors have been appointed. In addition, three Welfare Officers have also been appointed and a Lady Welfare Officer for mines is being appointed.

**Mr. Mann Subedar:** Has the Honourable Member seen the report in the United Kingdom about women in coal mines in which it is stated that no woman should work with any clothing above the waist-line?

**The Honourable Dr. B. R. Ambedkar:** Yes.

**Mr. Mann Subedar:** In view of this fact that neither in the United Kingdom nor in the United States of America, nor in any country in the British Commonwealth of Nations, are women employed underground in spite of the stress of war, will the Honourable Member say why he has been a party to this humiliating practice?

**The Honourable Dr. B. R. Ambedkar:** On account of the shortage of coal.

**Mr. N. M. Joshi:** The Honourable Member stated that a woman is entitled to the same wage as a man and he said that a woman on an average gets twelve annas. I do not agree with your figure. In the coal fields to the best of my knowledge a man and woman are paid jointly for joint production. How does the Government of India make sure what portion of the joint earning the man gives to the woman?

**The Honourable Dr. B. R. Ambedkar:** It is easy to arrive at the figure by distributing the gang wages.

**Mr. N. M. Joshi:** May I again ask the Honourable Member how does he make sure that the woman gets the same wages as the man?

**The Honourable Dr. B. R. Ambedkar:** I said that a woman is entitled to the same wages as a man for the same work.

**Mr. N. M. Joshi:** How does he make sure that the man gives to the woman half the wage and does not take more for himself and give less to the woman.

**The Honourable Dr. B. R. Ambedkar:** I do not know but I feel that the man and woman who work together are husband and wife and I wonder whether they would be very much interested in exact mathematical distribution of their joint wages.

**Mr. N. M. Joshi:** In view of the fact that the Honourable Member stated that he did not know, may I ask the Government of India to withdraw the statement which they have made that a woman is entitled to equal wage with the man. Is not the Honourable Member proclaiming that the woman is getting equal wage with the man? Unless he can make sure how the woman can get equal wage with the man, he is not entitled to make a statement which, in my judgment, is misleading.

**The Honourable Dr. B. R. Ambedkar:** That is only a quibble on the part of the Honourable Member.

**Shrimati K. Radha Bai Subbarayan:** May I ask whether the Government, according to the assurance given by them during the last Session have reviewed the position and satisfied themselves that it is absolutely necessary for them to continue this cruel custom of employing women in mines?

**The Honourable Dr. B. R. Ambedkar:** The Government have been reviewing the position.

**Sir Cowasjee Jehangir:** May I know from the Honourable Member whether there is any restriction upon pregnant women going underground?

**The Honourable Dr. B. R. Ambedkar:** It is very difficult to put any such restriction, because, as my Honourable friend is aware, it is extremely difficult to discover the state of pregnancy in many women.

**Sir Cowasjee Jehangir:** Surely the Honourable Member realises that it is not such a difficult matter. It is done in other trades. Why can't it be done here as well? Why can't a restriction be placed at least in theory, if not in practice, that no pregnant woman shall go underground?

**The Honourable Dr. B. R. Ambedkar:** I might assure my Honourable friend that the matter is under active consideration.

**Shrimati K. Radha Bai Subbarayan:** Have the Government made any arrangement for the care of infants and children of these women workers?

**The Honourable Dr. B. R. Ambedkar:** There has been established a Coal-miners' Welfare Fund and the care of children will be one of the duties of this Fund.

**Shrimati K. Radha Bai Subbarayan:** I want to know whether the Government have made any definite arrangement for the care of the infants and children of these women?

**The Honourable Dr. B. R. Ambedkar:** That is a statutory organisation and one of its obligatory duties would be to look after the infants and children of the women workers.

**Prof. N. G. Ranga:** May I know whether Government have taken effective steps to reduce the number of women working in the mines and increase the number of men to be employed there?

**The Honourable Dr. B. R. Ambedkar:** That is also under consideration.

**Prof. N. G. Ranga:** Are any steps being taken?

**The Honourable Dr. B. R. Ambedkar:** Steps are being contemplated.

**Dr. G. V. Deshmukh:** Besides the statutory provision, do Government know of any arrangement that should be made to safeguard the welfare of these pregnant women and children?

**The Honourable Dr. B. R. Ambedkar:** I am sure the Honourable Member will allow me to say that intelligence is not the monopoly of himself.

**Dr. G. V. Deshmukh:** Neither is it the monopoly of the Government.

#### SHORTAGE OF LABOUR IN COAL MINES.

**240. \*Mr. Manu Subedar:** (a) Will the Honourable the Labour Member be pleased to state if it is a fact that shortage of labour in coal mines was due to higher wages offered by Army contractors for the construction of aerodromes etc.?

(b) What were the wages in coal mines before the war, and what have been the wages during each of the five years of the war?

(c) Is it true that the falling off in the output of coal mines was due to the reluctance of coal mine-owners to pay proper wages, having regard to the rise in the cost of living?

(d) What steps have Government taken to deal with the situation created by (i) shortage of labour, and (ii) shortage of coal?

**The Honourable Dr. B. R. Ambedkar:** (a) Employment of labour at higher rates by Army contractors was a contributory cause of the shortage of labour in collieries.

(b) A statement is laid on the Table of the House.

(c) It is a fact that wages of colliery labour were not for long sufficiently adjusted to meet the increased cost of living. This was one factor in the falling off of the supply of labour.

(d) I invite the attention of the Honourable Member to the replies given in the Legislative Assembly by the Honourable Member for Supply to parts (a), (b), (d), (e) and (f) of Mr. Neogy's starred question No. 17. This describes the various steps taken by Government to deal with the situation created by the shortage of labour and the shortage of coal.

The representatives of the industry also agreed at Dhanbad in December 1943 to increase the cash wages of colliery labour and grant concessions in the supply of foodstuffs.

## Average daily earnings in Coal Mines in December for the years 1938 to 1943.

	Miners	Loaders	Skilled Labour	Unskilled Labour	Females	Miners	Loaders	Skilled Labour	Unskilled Labour	Females	Skilled Labour	Unskilled Labour	Females
<b>Jharria Coalfield</b>													
(Bihar)—													
1938	0 9	6 0	8 3	0 10	9	0 7	6	0 8	9	0 6	0 10	6	0 4
1939	0 9	9 0	8 9	0 11	0	0 7	9	0 8	6	0 5	0 10	3	0 4
1940	0 9	6 0	8 6	0 11	6	0 7	9	0 9	3	0 5	0 10	9	0 4
1941	0 10	0 9	0 0	0 11	9	0 8	3	0 9	0	0 6	0 11	0	0 5
1942	0 11	0 0	0 10	0 12	6	0 8	9	0 10	6	0 7	0 12	0	0 5
1943	0 13	9 0	12 9	0 14	9	0 11	0	0 14	6	0 9	0 14	0	0 6
<b>Ranigunj Coalfield</b>													
(Bengal)—													
1938	0 9	3 0	7 9	0 10	0	0 6	9	0 7	3	0 5	0 9	6	0 4
1939	0 9	0 0	7 9	0 10	0	0 7	0	0 7	6	0 4	0 9	6	0 4
1940	0 8	9 0	7 6	0 10	0	0 7	0	0 7	9	0 4	0 9	3	0 4
1941	0 9	3 0	8 0	0 10	6	0 7	3	0 9	6	0 4	0 9	6	0 4
1942	0 10	9 0	9 3	0 11	6	0 8	0	0 13	3	0 6	0 11	0	0 4
1943	0 14	3 0	12 6	0 14	0	0 13	0	0 15	0	0 10	0 13	6	0 6
<b>3iridih Coalfield—</b>													
1938	0 9	9 0	11 6	0 12	9	0 8	0	0 5	3	0 2	0 13	6	0 4
1939	0 10	0 11	9 0	13 3	0 8	3	0 7	0 7	0	0 3	0 14	0	0 4
1940	0 9	3 0	10 9	0 13	9	0 8	3	0 6	6	0 3	0 14	6	0 4
1941	0 13	6 0	10 9	1 2	3	0 10	6	0 6	0	0 4	1 2	3	0 6
1942	0 14	6 0	11 3	1 3	6	0 11	6	0 9	9	0 4	1 3	3	0 7
1943	0 13	0 0	7 3	0 9	6	0 7	3	0 7	3	0 3	0 9	3	0 3
<b>Pench Valley Coalfield</b>													
(Central Provinces)—													
1938	0 13	0 0	7 3	0 9	6	0 7	3	0 8	0	0 3	0 9	3	0 3
1939	0 12	0 0	7 6	0 10	0	0 7	6	0 8	0	0 3	0 9	0	0 4
1940	0 14	0 0	7 6	0 9	9	0 7	9	0 8	9	0 3	0 9	9	0 4
1941	0 14	3 0	7 9	0 10	3	0 7	6	0 7	9	0 3	0 10	6	0 4
1942	0 15	9 0	9 9	0 11	6	0 8	0	0 10	6	0 4	0 11	6	0 4
1943	1 1	3 0	10 3	0 12	3	0 8	9	0 9	9	0 5	0 11	6	0 5

**Mr. Mann Subedar:** What is the increase in wages that the employers are compelled to pay as compared with the prewar rates.

**The Honourable Dr. B. R. Ambedkar:** I am sorry I cannot give the figure but I have got a statement here which is pretty full and I am sure the Honourable Member will find what he wants there.

**Mr. Mann Subedar:** What steps have the Government taken to see that the women forced into the mines in this distressful manner get at least a little more pittance than women working in other trades above ground?

**The Honourable Dr. B. R. Ambedkar:** I can assure my Honourable friend that the wages in coal mines have increased by more than 50 per cent.

**Mr. Mann Subedar:** What steps have the Government taken to coerce the coal mine owners? The Government pay for coal Rs. 9-8-0 now instead of Rs. 3-8-0 before the war. If you give so much more for coal, have you made any condition that this part of the extra will go to the women workers whom you have disgracefully forced into the mines?

**The Honourable Dr. B. R. Ambedkar:** I think we have taken all the steps necessary.

**Mr. N. M. Joshi:** Is it not a fact that the Government of India are taking measures to prevent miners being employed by military contractors in order that the miners may be forced to go into mines for work at the risk of being starved?

**The Honourable Dr. B. R. Ambedkar:** That does not arise out of this question.

**Prof. N. G. Ranga:** Do these 16,000 women possess any special qualification or skill so that they are thus forced to work in the mines, which qualifications could not be acquired by males in this country?

**The Honourable Dr. B. R. Ambedkar:** They are neither asked nor forced. They are only permitted to offer themselves for their traditional occupation.

**Mr. N. M. Joshi:** May I know whether it is not a fact that the coal production today is less than the prewar period and whether this shortage of coal production is not due to the smallness of the wages paid to the miners?

**The Honourable Dr. B. R. Ambedkar:** My Honourable friend is entitled to draw his own inference.

#### PREFERENTIAL TREATMENT TO IMPERIAL CHEMICAL INDUSTRIES.

**241. \*Mr. T. T. Krishnamachari:** Will the Honourable the Commerce Member please state:

(a) whether his attention has been drawn to the frequent complaints in this House, in the Press and amongst the public that the Imperial Chemical Industries, Limited, are being singled out for the bestowal of special favours by the Government of India;

(b) whether the Honourable Member and his Department have examined the numerous instances of such preferential treatment to this concern by the Government of India since the commencement of the war; and

(c) whether he is aware that the entire stock of an enemy Corporation, "Chemdyes", has been handed over to the Indian Branch of the Imperial Chemical Industries, and that all the trade done by Chemdyes has been treated as the trade done by the Imperial Chemical Industries for the purpose of assigning quotas?

**The Honourable Sir M. Azizul Huque:** (a) Yes.

(b) Government have carefully examined the complaints brought to their notice.

(c) The stocks of Chemdyes Limited were sold to the Imperial Chemical Industries (India) Limited, Bombay after calling for public tenders. The answer to the second part is in the negative.

#### GOVERNMENT CONTRACTS PLACED WITH IMPERIAL CHEMICAL INDUSTRIES.

**242. \*Mr. T. T. Krishnamachari:** Will the Honourable the Commerce Member please state:

(a) the scope and nature of the special contracts placed by the Government of India with the Imperial Chemical Industries in this country;

(b) whether pressure was brought to bear on the Government by the Secretary of State for India or any other highly placed personage in order to grant this company special favours; and

(c) the nature of concessions, prospective rights, long-term leases and other facilities granted to the Imperial Chemical Industries during the years 1936-1943?

**The Honourable Sir M. Azizul Huque:** The information is being collected and will be communicated to the Honourable Member in due course.

#### **POLICY re PURCHASE OF FOODGRAINS BY INDIAN STATES FROM BRITISH INDIAN PROVINCES.**

**243. \*Mr. T. T. Krishnamachari:** (a) Will the Honourable Food Member please state what part his Department plays in the matter of Indian States purchasing foodgrains from British Indian Provinces?

(b) Does his Department keep note of the ultimate destination of foodgrains supplied to Indian States, and the prices obtained for the same by such States?

(c) Are the Indian States who acquire foodgrains from British Indian Provinces permitted to re-sell such foodgrains or products therefrom again to British Indian Provinces at a considerable profit to themselves?

**The Honourable Sir Jwala Prasad Srivastava:** (a) Food Department allocates quotas of foodgrains to deficit States from surplus Provinces and States under the Basic Plan, just as it does in the case of British Indian Provinces.

(b) Yes, in a general sense but not in detail.

(c) No.

**Mr. T. T. Krishnamachari:** May I ask the Honourable Member if any instance of an Indian State offering its surplus quantity of wheat flour to a British Province at a price higher than its own purchase price in British India has been brought to his notice?

**The Honourable Sir Jwala Prasad Srivastava:** I have already answered the question. If the Honourable Member has got any specific case in mind, will he let me know?

**Mr. T. T. Krishnamachari:** I have got a specific case in mind, that is why I am asking the Honourable Member this question.

**The Honourable Sir Jwala Prasad Srivastava:** Will the Honourable Member let me know the case?

**Mr. T. T. Krishnamachari:** I can tell you. Madras approached Hyderabad for some flour which was stocked at Hapur, and the Hyderabad Government asked for 50 per cent. more than the price ruling at Hapur. I think the matter must be known to the Honourable Member. I would like to know from the Honourable Member what he is going to do about it.

**The Honourable Sir Jwala Prasad Srivastava:** I know the case. We allowed Hyderabad to resell certain wheat products to Madras, and the question of prices to be charged is still under examination.

**Mr. T. T. Krishnamachari:** Does the Honourable Member mean to say that the scandalous profits claimed by the Hyderabad Government is matter for examination?

**The Honourable Sir Jwala Prasad Srivastava:** I do not suppose so.

**Mr. Manu Subedar:** Can the Honourable Member assure this House that the Indian States which have got surpluses are really co-operating with Government as fully and as satisfactorily as he and I could wish?

**The Honourable Sir Jwala Prasad Srivastava:** That is a large question to answer. As far as I know they are co-operating with us.

#### **(b) WRITTEN ANSWERS**

##### **NAGARJUNA-KONDA ARCHAEOLOGICAL EXCAVATIONS.**

**244. \*Prof. N. G. Ranga:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) the amount so far spent on Nagarjuna-Konda on, (i) excavations, (ii) museum, and (iii) communications;

- (b) its historical importance to the Indian nation and to the Andhras;
- (c) when the English Archæological Expert visited Nagarjuna-Konda;
- (d) what his recommendations were about the finds there and when they were made;
- (e) the improvements since made at Nagarjuna-Konda and at what cost;
- (f) whether there is any "Visitors Book" at that museum, and since when it has been kept, and whether the number of visitors has been on the increase;
- (g) whether Government are aware of the fact that the Guntur District Board had an excursion of 250 high school students in 1939-40 and the Guntur colleges, an excursion of undergraduates in 1943-44 to this place;
- (h) if it is a fact that Government have under contemplation any scheme to disorganise the Nagarjuna-Konda finds and collection and museum, and if so, when it was initiated and with what objects;
- (i) whether Government have received any protests from the Andhra Mahasabha Literary Association and Andhra Itihasa Sansodhaka Mandal (Guntur) and such other organisations;
- (j) whether Government are aware of the fact that there is a widespread and prolonged agitation in Andhra Province against any such proposed policy;
- (k) whether they have seen the editorial in the October number of Journal of Andhra Historical Association; and
- (l) whether Government propose to abandon their scheme and to offer to increase the facilities now available to the public for appreciating the glories of the Indian civilisation as indicated by Nagarjuna-Konda finds?

**Mr. J. D. Tyaon:** (a) (i) Rs. 19,064.

(ii) Rs. 28,766.

(iii) Nil.

(b) The sculptures which relate to the Buddhist period are of considerable historical importance.

(c) Sir Leonard Woolley visited Nagarjuna-Konda in 1938.

(d) In his report of 1939 Sir Leonard Woolley pointed out that an archæological museum has three functions, firstly the housing and preservation of antiquities, secondly to further the advance of science and thirdly to serve as an educational centre for the instructions of the general public. As regards the museum at Nagarjuna-Konda in particular he said "The *reductio ad absurdum* of the 'Local Archæological Museum' policy has been reached at Nagarjuna-Konda here in a place correctly described by the Director General as 'almost inaccessible' a museum is being erected at an estimated cost of Rs. 27,000 to house, or rather to keep out of public sight a collection of magnificent stone sculptures of a type which is not represented in any museum in India. I may add that both the excavations and the sculptures have been open to view for years past and so far as I was able to learn I was, apart from members of the Department, the first person to visit them for more than two years". He recommended that no further expenditure should be incurred on the museum except on certain minor works and that actually the museum should be closed.

(e) Since Sir Leonard Woolley's visit the Museum godown has been completed and a gate fixed.

(f) There is a visitors' book at the Museum. It is understood that there has been no increase in the number of visitors.

(g) The Archæological Department are aware of the excursions of students to this site.

(h) Government have no such scheme under consideration.

(i) and (j). On the mistaken assumption that a decision had been taken in the matter, protests were sent to the Archæological Department by the organisations mentioned.

(k) No.

(l) The question does not arise.

#### ARCHAEOLOGICAL EXCAVATION SCHEMES IN KISTNA AND GUNTUR DISTRICTS.

**245. \*Prof. N. G. Ranga:** Will the Secretary for Education, Health and Lands be pleased to state:



(a) what steps are being taken (i) to further excavate the old or promising sites at Joggarrapettah, Ghantasala and Gudivada of Kistna District, Bhattiperdhu, Amravati, Garikapadu, Goli, Chinaganzana of Guntur District, (ii) also to protect the finds already found there, and (iii) to acquire from the local private persons golden or silver coins, etc., that had come into their possession; and

(b) what other schemes of excavation are proposed to be taken up during the next two years?

**Mr. J. D. Tyson:** (a) (i) No steps are at present being taken to excavate the sites mentioned in the Kistna and Guntur Districts.

(ii) Most of the sites mentioned are already protected under the Ancient Monuments Preservation Act, and all possible measures have been taken to preserve finds from them.

(iii) The safeguarding of discoveries of gold and silver coins is a provincial responsibility under the Indian Treasure Trove Act.

(b) The partial excavation of one of the sites at Taxila has been started where a training class in practical archæology for students throughout India has been inaugurated. The explorations and recording of prehistoric sites in South India is also in progress. A small scale excavation at Hadappa and the partial excavations of a site in South India are also contemplated. Owing to the war however excavation operations in the immediate future must necessarily be on a restricted scale.

#### POST-WAR PLANNING FOR ARCHÆOLOGICAL DEPARTMENT.

**246. \*Prof. N. G. Ranga:** Will the Secretary for Education, Health and Lands be pleased to state if the development of the work of Archæological Department, such as (i) the further excavation of the sites of old finds and the excavation of new and hitherto unexplored but promising sites, (ii) the organisation of central museum for each linguistic provincial area, and (iii) the re-transfer of our archæological finds now kept in London, Calcutta, Bombay and Madras to the Central Museums of the respective linguistic provinces will form a part of the post-war planning?

**Mr. J. D. Tyson:** The development of the work of the Archæological Department will be considered in connection with the post-war programme.

#### REMOVAL OF ARCHITECTURAL ANTIQUITIES OF BUDDHIST ERA FROM NAGARGUNA HILLS MUSEUM.

**247. \*Mr. G. Rangiah Naidu:** Will the Secretary for Education, Health and Lands please state whether it is a fact that the Government of India have issued orders to the Archæological Department for the removal of the architectural antiquities of Buddhist era from the museum of Nagarguna Hills, Pulanad Taluq, Guntur District, Madras Presidency? If so, what are the reasons? And after removal, where are they going to be kept? Is it in India or anywhere abroad in any country?

**Mr. J. D. Tyson:** The answer to the first part of the question is in the negative. The remaining parts of the question do not arise.

#### AID TO HANDLOOM INDUSTRY.

**248. \*Mr. K. B. Gupta:** (a) Will the Honourable Member for Industries and Civil Supplies please state whether there is any scheme in hand by the Government of India to give substantial aid to the handloom industry? If so, what is it? Would it be laid on the Table?

(b) Is an All-India Handloom Board formed? If so, what is the personnel? What is the kind of work entrusted to such a Board?

(c) If such a Board has not been formed, do the Government of India propose to hasten the constitution of such a Board in view of the disabilities of the handloom industry?

(d) Are the Government of India aware of the unemployment of several lakhs of handloom weavers for want of adequate supply of yarn?

**The Honourable Sir M. Azizul Huque:** (a) It is proposed to set up an All-India Handloom Board. The proposal has been referred to Provincial Governments and non-official bodies. The proposed functions of the Board include:

(i) recommendations as to what proportion of the yarn available from Indian production should be supplied to Provinces and States interested in handloom weaving;

(ii) assistance to handloom weavers in obtaining dyes, chemicals and other necessary stores at fair rates;

(iii) consideration of the best means of marketing Indian handloom products;

(iv) directing research measures, which would be mainly concerned with market researches rather than laboratory researches;

(v) administration of the Government of India's grant-in-aid.

(b) As I have indicated in my reply to part (a) of the question, the Board is not yet formed. The proposed constitution of the Board is that it should include representatives of Provincial Governments and of the Handloom Industry, representatives of States, and representatives of mills and of the yarn trade.

(c) Yes.

(d) No.

#### FERTILISERS MISSION.

**249. \*Mr. Manu Subedar:** (a) Will the Honourable the Commerce Member be pleased to state whether the Mission which came to deal with fertilisers has returned? If so, when is its report going to be published?

(b) Is it a fact that the men connected with this Mission were present or past employees of the Imperial Chemical Industries?

(c) Did Government receive any applications from Indian capitalists to be permitted to set up this industry, and, if so, why have these applications been rejected?

**The Honourable Sir M. Azizul Huque:** With your permission, Sir, I will take up Question Nos. 249 and 250 together.

These relate to the Supply Department and will be answered by my Honourable Colleague the Supply Member.

#### PURCHASE OF NITROGEN INDUSTRY PLANTS FROM AMERICA.

**†250. \*Mr. Manu Subedar:** (a) Will the Honourable the Commerce Member be pleased to state if it is a fact that there are several plants for Nitrogen industry set up by the Government of the United States of America for the purposes of the war, which will be out for sale?

(b) If the answer to (a) above is in the affirmative, is there any reason why these plants should not be purchased for India instead of paying heavily for second-hand plants from the United Kingdom?

(c) Have Government put this matter before the Standing Advisory Committee connected with any of the Departments or before any members of the Legislature?

(d) Do Government propose to make a complete statement of their policy in connection with the fertiliser industry?

#### INDIAN CONTRIBUTION TO THE UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION FUND.

**251. \*Mr. T. T. Krishnamachari:** Will the Honourable the Commerce Member please state:

(a) whether the Government of India have agreed to make any payment to the United Nations Relief and Rehabilitation Administration on behalf of India, consequent upon India becoming a party to this Agreement; and

(b) if the answer to (a) above is in the affirmative, the amount contributed by India towards—

- (i) the United Nations Relief and Rehabilitation Administration Fund, and
- (ii) the administrative expenses of the United Nations Relief and Rehabilitation Administration?

†For answer to this question, see answer to question No. 249.

**The Honourable Sir M. Azizul Huque:** (a) and (b). I propose to bring this matter before this Assembly, viz., the amount of a contribution to the U. N. R. R. A. So far only a sum of 400,000 dollars has been paid as India's share of the administrative expenses.

**PROVINCIAL GOVERNMENTS' CONTRIBUTIONS TO RADICAL DEMOCRATIC PARTY AND INDIAN LABOUR FEDERATION.**

**252. \*Sir Abdul Halim Ghuznavi:** Will the Honourable the Labour Member please state:

(a) whether office bearers or any individual of the Radical Democratic Party or of the Indian Federation of Labour receive monetary help from the different Provincial Governments besides Rs. 13,000 per month from the Central Government;

(b) whether he is aware that these two organisations receive a sum of Rs. 75,000 per month from the Government of the United Provinces;

(c) the object of the Government in giving monetary help to these two organisations only; and

(d) which the other labour organisations are which receive monetary help from the Government?

**The Honourable Dr. B. R. Ambedkar:** (a) Government has no information. The grant of Rs. 13,000 is made not to the Radical Democratic Party but to the Indian Federation of Labour and not to any individual member or office-bearer of the Federation. The letter in which assistance from Government was offered was addressed both to the All-India Trade Union Congress and the Indian Federation of Labour. In their reply the All India Trade Union Congress did not ask for any assistance.

(b) I am not aware of any grant made to the Federation by the Government of the United Provinces.

(c) This Department is concerned only with the grant to the Indian Federation of Labour. The object of this grant is to enable the Federation to do propaganda to keep up the morale of industrial labour.

(d) There are no other labour organisations receiving monetary help from the Central Government.

**SHORTAGE OF AGAR AGAR DUE TO AGAR CONTROL ORDER.**

**253. \*Sir Abdul Halim Ghuznavi:** Will the Secretary for the Education, Health and Lands Department please state:

(a) whether he is aware that pharmaceutical manufacturing concerns engaged in manufacturing various types of vaccines are facing a serious situation owing to the shortage of agar agar to be used as a medium for the culture of micro-organisms due to the Agar Control Order of 1942;

(b) whether he is aware that a serious black market has been created in agar agar and what steps have so far been taken to control stock and distribute same to the pharmaceutical concerns engaged in manufacturing vaccines of various types; and

(c) which are the firms or persons so far listed under the Agar Control Order of 1942 to be approached by the pharmaceutical concerns for getting supplies of agar agar?

**Mr. J. D. Tyson:** (a) The answer is in the negative. Permits for the sale of agar have been issued by the Director General, Indian Medical Service in all cases where the applicants required the material for the culture of micro-organisms.

(b) Government have no reason to think that a black market has developed. The manufacture, sale and use of agar are controlled under the Agar Control Order, 1942.

(c) No list of stock-holders is maintained under the Agar Control Order, 1942, but the Director General, Indian Medical Service is always prepared to give information regarding available sources of supply.

**EXPORT OF COTTON CLOTH AND YARN FROM DELHI.**

**254. \*Mr. Muhammad Azhar Ali:** Will the Honourable Member for Industries and Civil Supplies please state:

(a) if it is a fact that export of cotton yarn and cloth from deficit areas is prohibited;

(b) if it is a fact that export of cotton cloth and yarn from Delhi is prohibited from the 14th of October, 1944;

(c) if it is a fact that between 14th October, 1944 and 31st October, 1944, cotton cloth and yarn was transported by road from Delhi market to Pilkhwa Railway station on the Delhi-Moradabad Section of the East Indian Railway within the Meerut District of the United Provinces of Agra and Oudh;

(d) if it is a fact that between those dates several hundred bales of cotton cloth and yarn was transported by rail from that Railway station (Pilkhwa) to stations within the United Provinces and Bengal;

(e) if it is a fact that the senders of these goods as per Railway receipts are merchants of Delhi;

(f) if it is a fact that Railway Forwarding Notes were signed by the brokers of Delhi;

(g) if the replies to (a) to (f) or any of them be in the affirmative, the nature of the action taken against the person or persons who violated the Cotton Cloth and Yarn Control Order, 1943, as amended from time to time; if no action has been taken, the reasons therefor; and

(h) if the replies to (a) to (f) or any of them be in the negative, what the true fact is, and whether the transport by road of those goods were within the knowledge of the Director, Civil Supplies, Delhi, or his subordinate staff?

**The Honourable Sir M. Arzul Huque:** (a) It is not quite correct to say that export of cotton cloth and yarn from deficit areas is prohibited. The actual position is that under the Cotton Cloth Movements Control Order movements of cloth by rail from only two Deficit Zones, viz., the Punjab and Bengal Zones, are prohibited. Movements of yarn are not prohibited nor the movement of cloth by road.

(b) When he speaks of the date 14th October, I take it the Honourable Member is referring to a notification which issued on that date, by which the former Delhi Surplus Area was included in the Punjab Deficit Zone. It would therefore be true to say that as from the 14th October the export of cotton cloth from Delhi by rail is prohibited.

Government have no information as to whether the facts stated by the Honourable Member in the remainder of his question are correct or not. But the Honourable Member will appreciate from my reply to parts (a) and (b) of this question that, even if these facts are correct, they constitute no offence.

**HIGH PRICES OF POTATOES, FISH, ETC., IN DELHI AND OTHER CITIES.**

**255. \*Sir F. E. James:** (a) Will the Honourable the Food Member please state if he is aware that the prices of potatoes, fish, eggs, vegetables, milk, butter, mutton and beef in Delhi, Bombay, Calcutta and elsewhere are scandalously high with resulting distress to the middle and poorer classes of the population and that in some cases this is due, in part, to restrictions on the export of these commodities imposed by neighbouring Provinces?

(b) What steps are being taken by the Central and Provincial Governments directly or by co-ordination and consultation, to control the prices of non-cereal foods?

**The Honourable Sir Jwala Prasad Srivastava:** (a) Yes.

(b) The Honourable Member is referred to my closing speech in the food debate yesterday.

**DISSATISFACTION OF TELUGU POPULATION INCLUDED IN ORISSA PROVINCE.**

**256. \*Mr. K. S. Gupta:** (a) Is the Honourable the Leader of the House aware of the dissatisfaction prevailing in the Telugu speaking people which forms the majority of the population of Koraput, Pottangi, Padgwa, Nowrangapore, Teypore,

Rayaghada, Gunupur, Berhampur, Chatrapur and Parlakimedi Taluks due to their unjust amalgamation of these parts into the Orissa Province?

(b) Would the Government of India see its way to remove the disabilities of the predominantly Telugu speaking population of the areas abovementioned by re-amalgamating them into the Telugu speaking area of the Madras Province?

**The Honourable Sir Sultan Ahmed:** (a) and (b). The present boundaries of Orissa were laid down after prolonged and careful consideration in which the views expressed by all sections of opinion were taken fully into account, and it is not proposed to reopen the question. Government are not aware of any such dissatisfaction as is suggested in the question.

#### SHIPPING AVAILABLE FOR CIVILIAN GOODS.

**257. \*Mr. Mannu Subedar:** (a) Will the Honourable Member for Commerce be pleased to state the amount of shipping, as compared with the two years before the outbreak of the war, available for civilian goods in connection with (i) overseas trade, and (ii) coasting trade?

(b) What steps have Government taken to increase the tonnage available for these purposes?

(c) What is the basis on which available shipping space is assigned to various firms and various classes of goods?

**The Honourable Sir M. Azizul Haque:** (a) and (b). It is not in the public interest to give the information asked for by the Honourable Member.

(c) So far as the overseas trade of India is concerned, the allocation of available shipping space between various firms and various classes of goods is regulated chiefly through the import and export licensing systems. As regards the coasting trade, the Government of India lay down from time to time the order of priority in which certain essential commodities are to be moved between the various ports, and the Coastal Shipping Committee at Bombay, the composition of which was announced in a press communique issued on the 1st October 1943, allocates shipping space for such commodities in that order of priority. Any balance of shipping space which still remains after meeting the requirements of such commodities is left to be allocated between different firms and different classes of goods by the shipping companies themselves in accordance with their normal practice.

#### PROPAGANDA BY MEMBERS OF THE VICEROY'S COUNCIL.

**258. \*Mr. K. S. Gupta:** (a) Will the Honourable the Leader of the House please state if it is not a fact that the members of the Viceroy's Council tour about India at the public expense?

(b) Are they allowed to carry on propaganda—personal and party?

(c) Are the Government of India aware that Dr. Ambedkar carried on propaganda for the Scheduled Caste Federation?

(d) Is it not a fact that Dr. Ambedkar started the propaganda that scheduled castes form a separate nation? If the answer is in the positive, is it the collective and considered opinion of the Government of India?

**The Honourable Sir Sultan Ahmed:** (a) Yes.

(b), (c) and (d). I do not know which speech or statement of the Honourable the Labour Member is characterised as "propaganda" in the question. I can only say that in any statement or speech made in regard to the Scheduled Castes on their future, my Honourable Colleague was speaking for himself alone and Government are not thereby committed in any way.

#### SHIPPING AVAILABLE FOR CIVILIAN GOODS.

**259. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Commerce Member please state:

(a) in view of the easing shipping situation, what the present available tonnage for articles of civilian consumption is; and

(b) the main articles for which Government are giving permits?

**The Honourable Sir M. Azizul Huque:** (a) It is regretted that for security reason the information cannot be given.

(b) The main articles of civilian consumer goods for which import licences are being granted are drugs and medicines, toilet requisites, paper, stationery, books, artificial silk fabrics, woollen fabrics, glassware, crockery, hardware, cycles, photographic goods, hurricane lamps, clocks and watches.

#### ARTICLES UNDER PRICE CONTROL.

**260. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Commerce Member please state:

(a) the articles which have been brought under price control since the last session; and

(b) tell now what the total number is of articles for which there is price control?

**The Honourable Sir M. Azizul Huque:** (a) A list of the articles is placed on the table. I must, however, remind the Honourable Member that all articles except Foodgrains and those which are under specific controls come under the purview of the Hoarding and Profiteering Prevention Ordinance, 1943.

(b) 70.

#### *List of Articles brought under price control since the last Assembly Session.*

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| 1. Electric bulbs.                    | 19. Cinema Equipment and spare parts. |
| 2. Imported Woollen goods.            | 20. White English Crockery.           |
| 3. Antenna Wire.                      | 21. Used Motor Cars and Cabs.         |
| 4. Tinned Provisions.                 | 22. Wheat.                            |
| 5. Imported Silk fabrics.             | 23. Gram.                             |
| 6. European types of vegetable seeds. | 24. Barley.                           |
| 7. Toilet articles.                   | 25. Cement.                           |
| 8. Battery cells.                     | 26. Indian Woollen goods.             |
| 9. Sissoo Timber.                     | 27. Footwear.                         |
| 10. Condensed Milk.                   | 28. E. I. Keps (leather).             |
| 11. Vegetable ghee.                   | 29. Drugs and Medicines.              |
| 12. Camphor Powder.                   | 30. Paper.                            |
| 13. Camphor Tablets.                  | 31. Raw Jute.                         |
| 14. Westclox clock.                   | 32. Jute Goods.                       |
| 15. Imported Thermos Flasks.          | 33. Shellac.                          |
| 16. Brass Utensils.                   | 34. Cotton Yarn.                      |
| 17. Watches.                          | 35. Iron and Steel.                   |
| 18. Electro-depositing material.      | 36. Machine Tools.                    |

#### PAY OF INDIAN SEAMEN SERVING ON BRITISH COMPANY SHIPS.

**261. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Commerce Member please state:

(a) the pay that Indian seamen receive in ships managed by British Companies;

(b) how it compares with the pay of seamen of British and other nationalities employed by them; and

(c) what steps Government have taken to safeguard the interest of these Indian seamen employed by British and other foreign companies?

**The Honourable Sir M. Azizul Huque:** (a) and (b). I lay a statement on the table of the House giving the required information.

(c) The matter is under negotiation between shipowners and Indian Seamen's representatives.

**Comparative Statement showing the rates of basic wages paid to Indian, European and Chinese Seamen in ships managed by British Companies**  
*(These rates are exclusive of War bonus paid to each ratings)*

Basic wages of Indian Seamen				Basic wages of European and Chinese Seamen			
Ratings		Bombay	Calcutta	Ratings		British Seamen	Chinese Seamen*
		Wages				Wages	
Dock Department				Dock Department			
Serang	.	£9/15	£9	Able seamen	.	£14	£7/12
Tindal	.	£8/18	£5/11	Store-keeper	.	£14/10	£10/2
Cassab	.	£4/16	£4/10	Quarter Master	.	£14/10	£6/15 (Sailor)
Seacunny	.	£9	£8/5	Ordinary Seamen	.	£8/10 to £10	£15
Lascar	.	£3/6 to £4/10	£2/14 to £3/15	Winchman	.	£17/5 to £21/5	£12/10
Winchman	.	£5/2	£4/4	Carpenter	.	£16/5 to £18/5	£10/10
Carpenter	.	£18	£18	Carpenter's Mate	.	£15	..
Carpenter's Mate	.	£9/15	..	Water Tender	.	£14/10	£12/10 (plus £2 bonus).
	.			Painter	.	£16 to £18/5	
	.			Bosun	.		
Engine Room Department				Engine Room Department			
Serang	.	£9/15	£9	Fireman Steward	.	£14	£12/10 (plus £2 bonus).
Tindal	.	£6	£5/5		.		£13/5
Cassab	.	£5/5	£4/4	Store-keeper	.	£15/10	£8
Donkeyman	.	£5/5	£4/4	Donkeyman	.	£15/12	£7
Greaser	.	£4/16	£3/18	Greaser	.	£15	£8
Lampman	.	£4/16	£3/9	Lamp Trimmer	.	£14/10	£6/15
Fireman	.	£4/1	£8/14	Fireman	.	£3/10 to £15	
Trimmer	.	£3/3	£4/4	Trimmer	.	£9 to £14	
Paniwala	.	£5/5	..	Pumpman	.	£15/10	
Pumpman	.	£9/6	£4/4 to £4/13		.		
Ice man or Freezer	.	£5/11			.		

Butler	£12/15	£10/10	Chief Steward	£19/10 to £21/10	..
Second Butler	£9/15	£7/10	2nd Steward	£13/10 to £16/10	..
Chief Cook	£10/10	£10/10	Saloon Steward	£13	..
Second Cook	£6	£6/15	Cook Steward	£17/10	£12
Third Cook	£4/4	£3/15 to £4/10	Chief Cook	£17/10 to £19/10	£8/12
Baker	£10/10	£10/16	Second Cook	£13/10 to £14/10	£6/15
Butcher	£7/10	£7/10	Third Cook	£13 to £13/10	..
Pantryman	£6/15	£5/11 to £6	Baker	£14/10 to £15/10	..
Store-keeper	£9	£4/10 to £4/16	Butcher	£14/10 to £15/10	..
General Servant	£5/2		Pantryman	£14 to £14/10	..
			Store-keeper	£13	..
			Mess Room Steward	£11/2 to £13	£6/15
			Assistant Steward	£13/10	..
			Assistant Baker	£14 to £15	..
			Second Cook and Baker	£13/10	..
			Assistant Butcher	..	£6/15
			Sailor's Cook and Firemen's Cook (Chinese)	..	£7/15
			No. 1 Boy (Chinese)	..	..

N.B.—1 In addition, Indian seamen receive war risk money equivalent to 50 per cent. of their present basic wages.

2. British and Allied Seamen (including Chinese Seamen) receive war risk money = £10 per month.

\* A further increase of £1.2s. has been sanctioned for each Chinese rating from the 1st April 1944.



## UNSTARRED QUESTIONS AND ANSWERS

### EXPLORATORY AND PROSPECTING LICENCES TO BRITISH AND AMERICAN FIRMS RE POTENTIAL OIL RESOURCES.

**48. Mr. K. C. Neogy:** (a) Will the Honourable the Labour Member be pleased to lay on the table a statement bringing up-to-date the information supplied in the statement that was laid on the table on the 2nd August, 1943, relating to mineral concessions (including exploratory and prospecting licences) granted to British and American firms in respect of potential oil resources in British India?

(b) Is it a fact that licences for carrying on geo-physical explorations have been granted by different Provincial Governments? If so, did the Provincial Governments concerned consult the Government of India before granting such licences?

(c) To which firms have these licences been granted; in respect of which areas, and what are their terms?

**The Honourable Dr. B. R. Ambedkar:** The information is being collected and a statement will be laid on the table of the House in due course.

### WHEAT AND SUGAR PURCHASED BY REGIONAL FOOD CONTROLLER, MEERUT.

**49. Sardar Mangal Singh:** Will the Honourable the Food Member please state:

(a) the quantity of wheat and sugar, separately, purchased by the Regional Food Controller, Meerut during the years 1941, 1942, 1943 and to date for each year;

(b) the stations of the Railways at which the said quantity was brought for transport to stations outside;

(c) the local area from where the said quantity was collected; and

(d) how that quantity was disposed of by the said Regional Food Controller?

**The Honourable Sir Jwala Prasad Srivastava:** An enquiry has been made from the U.P. Government and the information will be laid on the table of the House when received.

## MOTION FOR ADJOURNMENT

### SURREPTITIOUS OPENING OF PRIVATE LETTERS BY THE POSTAL DEPARTMENT.

**Mr. President** (The Honourable Sir Abdur Rahim): I have received notice from Mr. Kazmi of his intention to move the adjournment of the business of 12 Noon.

the Assembly in order to censure the Postal Department of the Government of India for the surreptitious opening of private letters and thereby interfering with the civil liberties of the people of India, as exemplified by the opening of the letter addressed to Dr. Katju, ex-Minister of Justice of the U.P. Government and by mistake enclosing in it another letter which was intended for some other person.

He has appended a letter from Dr. Katju which cannot be treated as part of the motion. I should like to know whether the Honourable Member is referring to censorship, because that has been in existence for a long time.

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Yes, Sir, censorship so far as certain letters which are opened and marked by the censor as "opened by examiner". So far as that is concerned, it is a legitimate thing if Government wants to have it done. But then there is another kind of censorship in which letters are opened secretly and then re-pasted, to show that they have not been opened at all.

**Mr. President** (The Honourable Sir Abdur Rahim): Are these letters opened by censor?

**Qazi Muhammad Ahmad Kazmi:** This letter was opened by the censor. As will appear from Dr. Katju's letter, some friend of Mrs. Vijay Lakshmi Pandit sent a letter to her friend—it appears that both letters were opened at one and the same time and the contents of the letters were interchanged.

**Mr. President** (The Honourable Sir Abdur Rahim): I cannot say that an individual case is necessarily a question of public importance. Is there a general practice to open letters other than by censor? Is that what the

Honourable Member intends to say—that letters are being opened generally without authority of the censor?

**Qazi Muhammad Ahmad Kazmi:** Yes; if it is done generally under the rules, then they must have the decency, as they are doing in some cases, of writing on it "Opened by censor". But here there is no sign that it has been so opened.

**Mr. President** (The Honourable Sir Abdur Rahim): I would like to know from the Government Member what the facts are.

**The Honourable Sir Francis Mudie** (Home Member): Letters are intercepted in accordance with section 26 of the Post Office Act, but I am taking up this matter because the orders regarding the said letters are issued by either the Provincial or the Central Government, *i.e.*, by the Home Department of the Government of India or Home Departments in Provinces.

**Mr. President** (The Honourable Sir Abdur Rahim): How long has this practice been in existence?

**The Honourable Sir Francis Mudie:** Since 1898.

**Mr. Sri Prakasa** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): The special point in this particular case is that the letters have been interchanged, and that has not been the practice since 1898. This particular case has been brought to your notice because it is particularly bad. In any case, will the Honourable the Home Member say that the practice of interchanging letters has been going on since 1898? This particular incident happened only the day before yesterday; and we received notice of it only this morning. A lady's letter is put in the place of a gentleman's. It is addressed "My dearest Nan". It is a scandal.

**Mr. President** (The Honourable Sir Abdur Rahim): I am afraid I must rule this motion out of order on the facts as stated by the Honourable the Home Member who says, this practice has been in existence since 1898 under the Post Office Act. As regards the individual case, that is not a matter for discussion before this House.

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

### [AMENDMENT OF SECTIONS 386 AND 539-B]

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, (Amendment of sections 386 and 539B) be continued."

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

"That the Bill further to amend the Code of Criminal Procedure, 1898, (Amendment of sections 386 and 539B) be continued."

The motion was adopted.

## THE INDIAN PENAL CODE (AMENDMENT) BILL

### [INSERTION OF NEW SECTION 93-A]

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Sir, I beg to move:

"That the Bill further to amend the Indian Penal Code (Insertion of new section 93-A) be continued."

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

"That the Bill further to amend the Indian Penal Code (Insertion of new section 93-A) be continued."

The motion was adopted.

## THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

### [AMENDMENT OF SECTION 60]

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural): Sir, I beg to move:

"That the Bill further to amend the Code of Civil Procedure, 1908, (Amendment of section 60) be continued."

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

"That the Bill further to amend the Code of Civil Procedure, 1908, (Amendment of section 60) be continued."

The motion was adopted.

## THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION (SECOND AMENDMENT) BILL

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural):

Sir, I beg to move:

"That the Bill further to amend the Muslim Personal Law (Shariat) Application Act, 1937, (Second Amendment) be continued."

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

"That the Bill further to amend the Muslim Personal Law (Shariat) Application Act, 1937, (Second Amendment) be continued."

The motion was adopted.

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

[AMENDMENT OF SECTIONS 162, 488 AND 496]

**Qazi Muhammad Ahmad Kazmi** (Meerut Division: Muhammadan Rural):

I move:

"That the Bill further to amend the Code of Criminal Procedure 1898, (Amendment of sections 162, 488 and 496), as reported by the Select Committee, be taken into consideration."

This is a Bill which is intended to amend three sections of the Criminal Procedure Code. The first is section 162. The object was this: according to section 162 statements of witnesses recorded by an investigating officer in the course of inquiry would be relied upon by the defence and could be put to the witnesses who were examined by the investigating officer in cross-examination as to whether they made such statements or not. After the coming into force of this provision in 1923, some of the investigating officers started a new practice of recording the evidence of two or three or four witnesses jointly. When such cases came up before the courts and the counsel for the defence applied for copies of the statements, they were found to have been recorded jointly and it was held by the High Courts that such joint statements cannot be the statement of any one of them and therefore none of those witnesses could be contradicted by the copy of the statement that was given to the counsel for the defence. This practice practically nullified the provisions of section 162. The amendment that was moved by me has now been accepted by the Select Committee. It is to the effect that if a police officer wants to record both the witnesses' statements, he will record the statements separately.

The other section was section 488 of the Criminal Procedure Code but after a full debate in this Honourable House, this Honourable House did not agree to the principle of that amendment and therefore it is not dealt with in the Report of the Select Committee.

The third amendment contemplated was of section 496. The intention was that in the case of a bailable offence, when a person is convicted by a magistrate, then the magistrate should be allowed to have the authority of giving bail to that man till he obtains an order from the appellate court. As a matter of fact, in all cases of bailable offences, appellate courts gave the bail but the difficulty was that sometimes the appellate authority used to be at a distance from the trial court and a copy of the judgment was required before the appellate court could be moved. The result was great expense on the part of the accused, when he was convicted and great trouble was felt in getting bail for the pendency of the appeal. This was the intention of the Bill, that necessary changes should be made in section 496 of the Criminal Procedure Code to meet that end. In the Select Committee, the question was gone into and they have found that the insertion of these provisions would be more appropriate in section 426 of the Criminal Procedure Code and they have adopted the necessary amendment to that effect in this Bill. So, I move that the Bill as amended by the Select Committee may be taken into consideration.

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

"That the Bill further to amend the Code of Criminal Procedure 1898, (Amendment of sections 162, 488 and 496), as reported by the Select Committee, be taken into consideration."

**Mr. Lalchand Navarai** (Sind: Non-Muhammadan Rural): Sir, I support the motion. I was a member of the Select Committee to consider this Bill.

Originally what was intended was this, that police statements which are taken at an earlier stage of the case and are considered always to be very important, were given by the Police under section 162 of the Criminal Procedure Code by writing down those statements for use at a later stage of the case. Subsequently they followed a method which virtually took away the concession that was given under section 162 to the accused persons to cross-examine and bring out contradictions in the evidence at a later stage. The Mover of this Bill wanted that those statements should be written down wholly of what the witness says. The changed practice of the police was that they used to make small notes, sometimes in the diaries, which were not shown to the accused. Subsequently some notes used to be shown. Now, the object of this Bill was that those statements may be actually written down and those statements should be given to the accused for cross-examination as required under section 162. So far as that concession is concerned, the Select Committee has approved of it and it has to be put into the statute book.

With regard to that, however, I submit that another question should be considered now by the Home Member and by the departments in the provinces as to why in every case the police officer should not be bound to record the statements. At present as this amendment has been made, it is left to the police officer to make the statement or not and nullify the object of this Bill. I suggest that a circular should be issued to ask the police officers to record these statements in every case so that justice may not be cheated and the accused may have sufficient justice by referring to those statements and having them for the purpose of contradiction. The other concession that was asked for, was under section 496 of the Criminal Procedure Code. Now, it has been found that it would be more appropriate to make that amendment in section 426. Now, that provision is this. When an accused is convicted and sentenced to imprisonment by a Magistrate, then the Magistrate is not seized of that case any further for the purpose of giving bail until an appeal is preferred. Generally appeals are made when persons are convicted, but the conviction and sentence are also subject to final decision of the Appellate Court. Therefore hardship was noticed and recognised also in many cases that the trying Magistrate who decided the case was handicapped by leaving no power to give bail until the time an appeal was filed. Of course there is no provision in Criminal Procedure Code giving power to the original court to give bail. So far as that is concerned, in respect of bailable offences only, this Bill now provides that in such cases the Magistrate will have discretion. But what about the non-bailable cases? Very many non-bailable cases also come before the courts, where they are very petty and yet the Magistrate gives imprisonment. Why should not discretion be left to the court in such non-bailable cases also? There are very many cases on the border line.....

**Mr. President** (The Honourable Sir Abdur Rahim): Non-bailable cases are not within the scope of this Bill.

**Mr. Lalchand Navalrai**: I know bailable cases only are included in this Bill and that is why I am asking about non-bailable cases.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss the question of non-bailable cases now.

**Mr. Lalchand Navalrai**: I am only throwing out a suggestion for consideration of the Government.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the provisions of this Bill.

**Mr. Lalchand Navalrai**: I have already covered the provisions. I have said that it is all right so far as bailable cases go, but as regards non-bailable cases, the Government should issue a circular.

**Mr. President** (The Honourable Sir Abdur Rahim): It is not relevant to this Bill.

**Mr. Lalchand Navalrai**: In that case, I shall give notice of a separate Bill for that purpose. So, the two concessions that were asked for have been examined and granted. Sir, I congratulate the Honourable the Mover of this Bill and I lend my support to the measure.

**The Honourable Sir Asoka Roy** (Law Member): Sir, there is only just one point to which I desire to refer in lending my support to this motion. Honourable Members will remember that when the Bill was referred to the Select Committee on 11th February 1943, my predecessor indicated that in the Select Committee, the Government would endeavour to secure the omission of clauses 3 and 4 of the original Bill. In the result, the Select Committee decided to omit clause 3, and to retain the substance of clause 4, which is now clause 3. In deference to the opinion of the House, as reflected in the Select Committee, Government decided to acquiesce in the Select Committee's view. I hope, Sir, that the House will allow us some small measure of credit for this manifestation of responsiveness.

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

"That the Bill further to amend the Code of Criminal Procedure 1898, (Amendment of sections 162, 488 and 496), as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Qazi Muhammad Ahmad Kazmi**: Sir, I move:

"That the Bill, as amended by the Select Committee, be passed."

Sir, in making this motion, I have to express my feelings of gratefulness to the Members of the Select Committee and to the Honourable Members of this House and especially the Honourable the Law Member who has been very sympathetic throughout the discussions in the Select Committee. As a matter of fact, it was with his help that we were able to carry the amendments regarding the bail of persons who are convicted in bailable offences. It was with his help, again, that we have succeeded in bringing that amendment also before the House. All the Members worked very sympathetically and they have all done something which may go to relieve persons who are often tried by Criminal Courts. Sir, I move that the Bill be passed.

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

"That the Bill, as amended by the Select Committee, be passed."

**Sardar Sant Singh** (West Punjab: Sikh): Sir, I take this opportunity of congratulating the Honourable the Law Member for the liberalising influence that he has brought to bear on the Government of India when Bills moved by non-officials are concerned. I wish I could have given notice of some of the amendments to the Criminal Procedure Code which I had been sponsoring without much success in his predecessor's time. It encourages me now to give notice of some of them in the hope that the time will come when he will extend the same liberal influence to my suggestions as he has done in the case of my Honourable friend Qazi Muhammad Ahmad Kazmi. With these words I support the motion for passing the Bill.

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

"That the Bill, as amended by the Select Committee, be passed."

The motion was adopted.

## THE HINDU MARRIAGE DISABILITIES REMOVAL BILL.

**Mr. Govind V. Deshmukh** (Nagpur Division: Non-Muhammadan): Sir, I move:

"That the Bill to remove legal disabilities under Hindu law in respect of marriage between Hindus be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, Mr. N. M. Joshi, Mr. Lalchand Navalrai, Sardar Sant Singh, Mr. T. T. Krishnamachari, Mr. Amarendra Nath Chattopadhyaya, Mr. Kailash Bihari Lall, Mr. Ananga Mohan Das, Mr. G. Rangiah Naidu, Mr. K. C. Neogy, Mr. Hooseinbhai A. Lalljee, Rao Bahadur N. Siva Raj, Dr. Sir Ratanji Dinshaw Dalal, Mr. T. Chapman-Mortimer, Mr. Sri Prakasa, Shrimati K. Radha Bai Subbarayan, Dr. G. V. Deshmukh, and the Mover and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Whenever I come up with a motion to refer this Bill to Select Committee there is always a request from the Law Member. I have often accepted that

request but there are so many hurdles in the way, like the promised Revised Hindu Code, that I cannot help moving this motion. The facts briefly are that first there was a request to withdraw the motion because the Marriage Bill was to come up before the House; next time it was said that the new Code was coming up; then we were told that the draft Code was not ready because a revised Code was to come after taking evidence of witnesses, etc. So one does not know where one is and this motion becomes necessary. My Honourable friend wants me to play a waiting game even now but one cannot wait indefinitely. Even now if the Law Member can give me an assurance that the revised Hindu Code will be brought forward at the beginning or middle of the next Budget Session, I may accept his request.

**The Honourable Sir Asoka Roy** (Law Member): No, I shall give no further assurance to my Honourable friend, because I find that if I give him an assurance and I implement my part of the bargain he does not stick to his part of the bargain.

**Mr. Govind V. Deshmukh**: I have already stated the facts. I am sorry to hear the charge that I am not playing the game. I have played the game and would have continued to play the game if the revised Hindu Code was coming after a definite period.

Sir, it will be gathered from the Statement of Objects and Reasons that I have brought forward this Bill because Hindus suffer from the disability of marrying between different sub-castes of the same caste and also among parties belonging to the same *gotra* or *pravara*. This Bill is a permissive Bill which says that such persons can marry; there is no compulsion on any body or restriction of anybody's legal rights. So the objection raised by my Honourable friend Mr. Bajoria that this Bill is unfair to Hindus and it interferes with their religion, is not correct. Clause 2 which is the operative clause runs thus:

"Notwithstanding any custom, rule or interpretation of the Hindu Law, a marriage which is otherwise valid shall not be invalid because—

- (a) it is between Hindus belonging to the same *gotra* or *pravara*; or
- (b) it is between Hindus belonging to different sub-divisions of the same caste."

So restrictions of other kinds, like prohibition of marriages among *sapindas*, are not affected. Persons who are not *sapindas* but belong to the same *gotra* or *pravara* should be able to marry and have their marriage recognised as valid. That is the object of the Bill. I have mentioned in my Statement of Objects and Reasons about the usual practice of getting a daughter adopted by a man of a different *gotra* and then giving her in marriage to a man of another *gotra*, in order to avoid this difficulty. But I have also said that such adoption is not valid because under Hindu law there can be no adoption of a female. Therefore such marriages would be held invalid by any court of law and the children of such marriages would in law be illegitimate and succession to property would take a different course. Therefore in order to get over this difficulty I have suggested a positive law instead of resorting to subterfuges. Now objection is taken on the ground of eugenics by some people that *gotra* refers to blood relationship and blood relatives cannot be allowed to marry. But in other communities you find that cousins and other blood relatives are allowed to marry and there has thereby been no deterioration in the race. From the eugenic point of view you cannot say that they have suffered in any way. However I am prohibiting marriages even among *sapindas* to the seventh degree. Again, this argument would be valid if the blood ties continued indefinitely. But after the seventh degree no Hindu observes mourning for a dead relative. The Shastric injunction is not to observe the tie of relationship after the seventh degree. I do not see therefore, even when it is not harmful from the eugenic point of view, why on the ground of blood relationship the *sagotra* (tie of blood, if it is at all—of thousands of years) marriage should be prohibited.

So far as marriages among different sub-castes are concerned, they are not illegal but a false belief persists and priests emphasise that such marriages are illegal. It will be gathered from public opinion to which I referred in my speech on 21st March, 1941, pages 1744 and 1748 (Vol. III) and in March 1943 (Page 1492) that 80 per cent. of public opinion is in favour of removing this

[Mr. Govind V. Deshmukh]

bar to *sagotra* and *saprarav* marriages, 10 per cent. are indifferent, and 10 per cent. are from different branches of the same organisation which means only one opinion. If we take this percentage into account we find that there is a mass of public opinion in favour of this change which is desirable from every point of view. One should not expect that there would be unanimous opinion in favour of any law. As a matter of fact, one finds that in the case of Hindu Marriage Bills which have been drafted and circulated for eliciting Hindu public opinion by the Rau Committee that there is a large section of public opinion which is against them. If it is said that we should wait till the whole law is changed and not go in for piecemeal legislation, I would say that to get the Code through in this Assembly is like breaking one's head against the wall; my fear is that this Code may not see the light of day for many years to come and it may not become law. So it is both convenient and desirable that a Bill like the one which I have brought forward should be passed although it is piecemeal. Sir, I have shown in the Statement of Objects and Reasons what the advantages would be in modifying the law and introducing the system which I am suggesting. It enlarges the scope of selection for desirable bridegrooms; a person who has a daughter will have a wider scope of selection of a bridegroom from persons of the same as well as from different *gotras* or *pravara* and different sub-castes. The Hindu Society must look at this Bill from the point of view that this Bill will consolidate the Hindu Society. As it is, there are so many divisions, sub-divisions, sub-divisions of sub-divisions. There are not only what one may call religious or customary restrictions, but there are territorial restrictions—in Bengal for instance. Persons from South Bengal are not allowed to marry persons in North Bengal and of East Bengal with West Bengal. In a place where the Hindu community is only 10 or 15 per cent. one can imagine what difficulties the father of a girl would have to face to find a desirable bridegroom, and one is not surprised to find as a consequence of these restrictions that the dowry that is demanded by the bridegroom or his father and guardians is becoming higher and higher and girls in most cases are not married at their proper age. One always reads about suicides by girls as a result of such consequences in newspapers.

I was given to understand from some speeches which were made by the Opposition that there were only few *rishis* and only one of one name who are supposed to be related even to the present generation. Sir, I find from the speech of Mr. Aney which he delivered in this House on Friday the 21st March 1941 that this theory one *rishi*—one name does not hold good. We were all under the impression that there were different sets of *rishis* only one by his own name and there were no two *rishis* of the same name, but I find from Mr. Aney's speech that that is not so. In other words, it could not, therefore, be said that there was a definite set of *rishis* to whom all the Hindus are related. Sir, I will now quote from Mr. Aney's speech:

"If the principle of this Bill is to be accepted there is nothing to be done so far as the Select Committee is concerned. Either it should be accepted or thrown out. That is the position. But we have to see whether if we do that, there will be a fair support to this kind of reform which my friend wants to bring about in the existing marriage system of the Hindus. Among what are considered as the essential ingredients of the Hindu marriage, there are three conditions laid down by the Smritis from the days of Manu to the present day; notwithstanding various other changes in the marriage form these three conditions have been regarded as of paramount importance, namely, the boy and the girl must not belong to the same *gotra*, they must not have the same *pravara* and they must not be of the same *sapinda*. These are the conditions laid down there—that they must not have the same *gotra* and the same *pravara*. One of my friends asked the question of my friend, Mr. Deshmukh what is this *pravara*? I do not know if the time is enough to explain this thing to my friend—it will take a good deal of time, because there are few among the Brahmins themselves who are in a position to explain clearly what difference this *pravara* makes and how it is to be distinguished from the *gotra* but one of the tests given is this, and that is laid down in one of the text books; it defines *pravara* as:

'*Gotra pravartakasya risheh Vyobartakayam rishigandah.*'

Group of *Rishis* distinguishing the *Gotra-Rishi*, i.e., the propositions of the clan from another.

Those names of *rishis* which enable a man to distinguish definitely one *gotra* from another. Each *gotra* has got three or four *rishis* or five *rishis* as *pravaras*: if these *pravara rishis* are the same, then the *gotra* may be considered to be the same; but if the names of the *pravaras* themselves are different then the *gotras* although they may have the same name must be understood as different."

So, one cannot say that there was only one *rishi* by that name and from that particular *rishi* the present generation amongst the Hindus, who are governed by *pravaras*, descends. To distinguish the two *rishis* of the same name there are *pravaras*. This fact I would especially like to emphasise because I myself was under the impression, and some other members of this House were also under the same impression, that there were certain *rishis* each one by himself. For instance, a Kasyap *rishi*, and there was no other Kasyap. But according to Mr. Aney there were two Kasyap *rishis*, so that it cannot be said that the descendants of Kasyap were the descendants of the same Kasyap. While I was arguing my case on the last occasion I overlooked to mention this point, and that is why I wish to emphasise it today. Mr. Aney then proceeds:

"The *pravaras* have been mentioned with a view to enable a man to see whether what appears to be an identical *gotra* is really identical or is a separate or a distinct *gotra* or not; and so an artificial system has been created in order to distinguish a seeming identity between *gotras*; and the reason was that the importance of ascertaining the *gotra* was extremely essential for the sake of permitting one girl to be married to another man. The greatest emphasis was placed upon this point, that no woman, belonging to the same *gotra* . . . . . Sometimes the name of the *gotra* appears to be the same. It may be that the girl comes from the Gautam *gotra*, and it may be that the boy also comes from the Gautam *gotra*; but whether the Gautam *gotra* from which the girl comes is the same Gautam from whom the boy claims descent or not is to be known from the fact whether the *pravaras* of the Gautam of the girl are the same as the *pravaras* of the other Gautam. If there is a difference between them, then we can take it that these two Gautams are two different entities and not the same and the marriage between them is legal."

That is why a list of *rishis* is appended to each *gotra*. This is a very complicated matter and certainly the Select Committee cannot come to one opinion easily. Further on he says:

"It is true that facilities are already provided for on account of the passing of the Special Marriage Act and so on; but even in that case if a man is a party to a special marriage he has to dispose with all the Vedic and ceremonial rites which have to be performed in accordance with religion. Therefore there is an earnest desire amongst people that they should be able to observe all these ceremonial and religious rites at the same time without observing these rigid conditions. A system of compromise is gradually cropping up. My friend, Mr. Deshmukh, belongs to that school which wants to stand for those who want to compromise religious practices to satisfy the exigencies of society. My friend, Mr. Bajoria, stands for the rigid school—no compromise with anything at all—the *shastras* are there: either follow them or say 'I owe no allegiance to them'."

Mr. Aney goes on:

"My friend (Mr. Deshmukh) wants to kill two birds with one stone. He not merely wants to bring about a little reform by removing the difficulties of *pravaras* and *sagotra*, but he wants to bring about reforms in order to introduce inter-marriages in the higher classes who have got something to do with the *gotra* and *pravara*, but there is another large class of Hindus who have nothing to do with *pravara* and *gotra*. Those who do not belong to the twice born classes have nothing to do with *gotra* and *pravara*, while the second thing will affect them most, because each caste has within its fold several sub-castes. . . ."

"There is no question of religion. If any reform is to be introduced, it will be difficult to say how it will be received by them. We have to ascertain their opinion."

We have found that 80 per cent. of the public opinion which was gathered is on my side, and as Mr. Aney says, I seek to have a compromise by bringing in this permissive Bill. I do not take away anybody's right and as Mr. Aney has put it, I am trying to find out a way to meet these two views. There are persons who wish to get over their difficulties by finding suitable brides and bridegrooms and in order to expand the sphere of selection they want that this restriction should be removed. My view is that if you wish to observe restrictions observe them: those who do not wish to observe them need not. If you wish that under the Hindu law, by accepting this amendment, the marriage should be considered valid—and I have given you the compromise formula—it will be so upheld. There is one thing which I should like to bring very prominently before I conclude. Those who are labouring under the impression that there are no two *rishis* of the same name but only



[Mr. Govind V. Deshmukh]

one, and that the present generation of that *gotra* are the descendants of that *rishi*, for them it is high time to consider how could any person who belongs to a particular *gotra* and lived in Kashmere in the good old days have any blood relationship with the person of the same *gotra* who lived say in Madras. In the opinions which I have cited in the previous debates in most of the provinces these restrictions are not observed and I have given the opinion of the Government Advocate of Orissa that it was good that this sort of restriction was not observed in Orissa otherwise the Brahmins there would have been extinct long ago; and that all these marriages although they take place in the same *gotra* are valid. In provinces like the Punjab and the United Provinces this system is not observed. If it is observed, it is really in Bengal, the Bombay and C. P. and Madras, and to those who live in Madras I would say: 'If you really consider that these persons of the same *gotra* are related and they should not marry and that from the eugenic point of view it is not good, how is it that you allow marriages between a maternal uncle's daughter and the paternal uncle's son. Having regard to these facts and the arguments I have advanced, I move that this Bill, which is a most essential Bill, be referred to Select Committee.'

Sir, I move:

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

"That the Bill to remove legal disabilities under Hindu law in respect of marriage between Hindus be referred to a Select Committee consisting of the Honourable Sir Asoka Roy, Mr. N. M. Joshi, Mr. Lalchand Navalrai, Sardar Sant Singh, Mr. T. T. Krishnamachari, Mr. Amarendra Nath Chattopadhyaya, Mr. Kailash Bihari Lall, Mr. Ananga Mohan Dam, Mr. G. Rangiah Naidu, Mr. K. C. Neogy, Mr. Hoosefbbhoy A. Lalljee, Rao Bahadur N. Siva Raj, Dr. Sir Ratanji Dinshaw Dalal, Mr. T. Chapman-Mortimer, Mr. Sri Prakasa, Shrimati K. Radha Bai Subbarayan, Dr. G. V. Deshmukh, 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. Sri Prakasa** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): We in our country seem really to be a museum of customs and of ceremonies; and because some particular custom was good at some particular stage, it becomes, in the course of time, accepted as part of our religion. Thus every time when it seems necessary to change any particular rite or ceremony or custom there is a cry of religion being in danger. I am not one of those who get frightened by such cries, and, to say honestly, I should be glad if all religions got into danger and we left to live in peace. I think, Sir, that it is wrong to suggest that whenever a custom has been followed for a long period of time, it should invariably become a part of religion and must be so followed till the end of time. I think, Sir, customs grow because of the exigencies of the situation; they grow because of the necessities of the hour; and as soon as those exigencies and those necessities exist no more, I feel that, religion or no religion, those customs must be changed if humanity is to live and to progress. As things are, the set of people known as Hindus—and, as you know, it is very difficult to define what exactly a Hindu is—have endless manners and customs on all sorts of things; and the manners and customs of one Hindu differ from the manners and customs of another Hindu even to the extent of shocking each other, I doubt if there are such marked differences among the followers of other faiths.

Among the Hindus they have a system of castes. I am told that at one time it was ordained that there would be only four castes and that there could not be a fifth caste. Now, if the census reports are to be believed, we have about four thousand castes, and innumerable sub-castes that have come into being through the centuries do not exactly know under what main caste to array themselves. They therefore regard themselves as separate castes altogether. It is said that from different parts of Brahma different castes were born. It is a difficult proposition for a non-medical person like myself to investigate, but my friend, Mr. Manu Subedar seemed to think that there were both natural and unnatural processes for the birth of caste, and if it can be believed that different parts of the

1 P.M.

body of Brahms (who, I believe, is a male person) could have given out the four castes to the world, then I take it that human children like Mr. Subedar's cattle, can also be born from various parts of the body. We have thus four main castes, but sub-castes are four thousand in number; and it so happens that members of the same sub-caste or sub-sub-caste alone can marry each other. This has created a great deal of confusion.

While the humble members of the community, the so-called "*sudras*", are not worried with differentiations of *gotra* and *pravaras*, the higher castes are constantly being worried by these considerations. So long as the system prevailed that parents arranged the marriages of their children, so long they took into consideration the *gotras* and *pravaras* of the families with whom they wanted alliances. Even they were greatly inconvenienced on many occasions when they had to give up very desirable alliances, because of the accident of a common *gotra* or *pravara*. And therefore, as my Honourable friend Mr. Deshmukh said, a ruse was sometimes resorted to by which the girl was supposed for purposes of marriage, to be the daughter of some relative who was in another *gotra*, because the parents wanted that desirable marriage. They adopted this subterfuge, which was scarcely honest. When even parents find it difficult to arrange suitable alliances in conditions as they are, and have to give up many desirable matches (one instance in my own family is before me as I speak, where we had to give up what we thought would have been a very desirable alliance because of a common *gotra*), the problem becomes very much more difficult, when under the stress of modern thought and in imitation of the customs of the West that have come to us, many young folks desire to have what are called love marriages. When a young man and a young woman happen to like each other to such an extent that they would like to marry, then they are not very much worried about the *gotras* and *pravaras* of each other.

Thus if we insist on the continuation of the old ideology, we are bound to get into many complications and difficulties, and I feel that when a custom has got stratified as a part of religion and when it seems that it would be right to change that custom, there is no other method except legislation that can come to the rescue. I think that the time is ripe when in the matter of marriages, our legislatures should interfere actively, because I think a great deal of harm is done to our race by marriages that are improper and ill-assorted. However orthodox we may be, we are all very careful about the breed of cattle, of plants and of fruits. We have cross-fertilisation. We undergo a great deal of trouble to transplant grafts from different places in our gardens and villages in order to have better rice, better wheat, better flowers and better fruits. But when it comes to those for whom all these processes are undertaken, when it comes to the welfare of human beings themselves, we are absolutely indifferent. I think it is a crying shame that we should neglect a better assortment of marriage alliances among human beings, when we are so keen on proper alliances among our cattle, our fruit trees and our flower plants. I therefore think that legislation should come to the rescue of a community that is hopelessly devitalised, that is almost committing suicide, because of its wrong alliances; and unless the Legislature comes to our aid, I do not think that this community has any very great chance of surviving the struggle for existence.

Sir, it may be news to many Members of the House, even Hindu Members—it was certainly news to me when I first learnt about it—that down South, in Madras maternal uncles marry their nieces, their sisters' daughter. On this side, this is a shocking procedure. The Right Honourable Srinivasa Sastri told me that a father-in-law, in Tamil Nad, is usually called 'Nāna', that is grandfather, because he is the father of the maternal uncle, who, in turn, is the husband of the grand-daughter. Among the Andhras it is not only customary but almost obligatory for maternal cousins to marry. That I found out from an Andhra friend of mine to my great surprise.

Now, Sir, such marriages should be barred by law, even if they have the sanction of religion, because I do think that they go counter to the very

[Mr. Sri Prakasa]

healthy rule that prohibits marriages within certain degrees of consanguinity. Such marriages should be barred as they are against the law of eugenics, and even if the whole of the province rises in rebellion, I think we ought to have sufficient strength to be able to suppress that rebellion. Government is always very keen about suppressing all sorts of political rebellions. They are very brave when non-violent politicians are concerned; they are very grand in their condemnation of anything that they think is wrong in the political sphere; but they gladly accede to wrong doing in the social and the religious spheres. I think it is time that Government woke up to their duties. They are not only a police government whose one purpose of existence is to keep what is called law and order. I think any decent Government has, as one of its paramount duties, the welfare of the people under its charge.

Whenever we talk of having good laws in order to reform Hindu society socially, they say it is a matter of religion; and they cannot interfere and the people concerned should themselves take interest in such matters. But how are the people concerned to take interest unless the law comes to their rescue; and what is the use of law unless the Government is prepared to use the force at its command to see to it that the law is observed. It is a fact known to you and to me and to all Members of the House, that though we have made it a cognisable offence for minors to marry, heaps of minors still continue to be married, and the marriage processions go on public streets, and every one knows from the very size of the bride and bridegroom walking in them that they are not of the legal age to marry. The authorities are indifferent. If that is the attitude of the Government, of course, nothing can be done. If they feel that the only purpose for which they are here is to see that everybody keeps quiet and everybody pays his taxes and that there is no hullabaloo of any sort, then, of course, it is for them to do what they think is best in their own interests; but as a normal student of political science, I do think that that is not the sole purpose of government.

There are many marriage customs that have to go; there are many new marriage customs that have to come;—and while I feel that marriages, such as I have mentioned, that are extant in the two parts of Madras—Andhra and Tamil Nad—should be abolished, there are other systems that should be introduced, and even if a permissive Bill like the one before the House is passed there is no doubt that it will be taken advantage of by large numbers of persons. A person like me is not usually very much afraid either of the wrath of Government or of society. Just as Government put me in jail for about three years for political crimes and misdemeanours, so has my particular sub-caste ostracised me for the last thirty years for the simple crime of crossing the seas. I did not care for this and I did not care for that; but I must say—and I confess it with sorrow—that I am very nervous when it comes to the marriage front. I always yield on that front. I want to marry my sons and my daughters into other communities, but I dare not do that. I faced the *lathi* blows of the Government quite cheerfully. I even faced ostracism from my particular caste without a tear, though it meant a great deal of inconvenience. But I am always nervous lest my grandchildren should be regarded as illegitimate.

When I feel like that, humble as I am, I know others must be feeling it more: others who are always anxious not to offend either the Government or their social authorities would be feeling far more nervous than I do. Therefore I think that it is in my interest, and in the interests of all those who feel like me, that some reforms must be introduced. I know many friends say: "You can have civil marriages". But civil marriages do not satisfy the soul. I may be wrong; but I also feel like many others that I should like to have those beautiful ceremonies at the time of marriage. It gives me some soul satisfaction.

**An Honourable Member:** You can have both!

**Mr. Sri Prakasa:** Then I also find a little bound by the ties of the joint family. I do not like my family property that happens to be almost impartible in its nature, to be forcibly divided up because one of my children has to undergo a civil marriage on account either of my desire to marry him outside the community or his falling in love with a person who is not of my particular community. In these circumstances I do think that a reform of the nature promulgated in this Bill should be accepted by this House.

The Bill, as I find it, is divided into two parts. One part says that Hindus belonging to the same *gotra* or *pravara* should be allowed to marry, provided of course they do not come within the prohibited degrees of consanguinity. The other part is that marriages between the different sub-divisions of the same caste should be legally recognised. As regards the first part, I feel I have said enough. I will only add one thing. It sometimes happens that persons have migrated from one part of the country to another. Many migrations, for instance, had taken place from Rajputana to United Provinces and Bihar in the olden days; and it may happen that two families belong to the same *gotra* or *pravara* or both; but a marriage alliance between them both is desirable. One family resides, let us say, in Rajputana or the Punjab, and the other in the United Provinces or Bihar. There cannot be any possible harm physiologically if a marriage is contracted; but if they happen to be of the same *gotra* or *pravara*, such marriages are banned. So, I feel that the House would be doing good service to the Hindu community if it permits such marriages.

The second part of the Bill says that members of subdivisions of the same caste should also be allowed to marry. There is no law about it. Many people feel that they cannot marry. Lawyers give conflicting opinions on this subject. There are, I understand, conflicting rulings of various High Courts on this subject. Some High Courts feel that marriages like that are permissible; other High Courts feel that such marriages are not permissible. Moreover a further difficulty arises very often. No one is sure as to whether two particular sub-castes belong to the same caste. Then there are common names of castes that cause confusion. For instance, there is a large class in the U. P. that is called Kayasth. There is a large class in Bengal which is also called Kayasth; but lawyers are not sure whether the Kayasthas of Bengal can marry the Kayasthas of U. P., even if both go by the name of Kayasth. Then no one is sure, Sir, whether the Kayasth belongs to the Brahmin caste as I think he does because he is a man of the pen; or whether he is a Kshatriya, as many U. P. Kayasthas claim to be or whether he is a Sudra as many people specially in Bengal, recognise him to be. Because of this difficulty, Sir, you may be interested to know, or perhaps you know it already—you know much more than I do—that the Kayasthas regard themselves as a separate caste altogether. They say the Brahmin was born from the mouth of Brahma, the Kshatriya was born from the arms of Brahma—a curious anatomical process—the Vaishya was born from the thigh of Brahma, the Sudra was born from the feet of Brahma; but the Kayasth was born from the whole *kaya*, that is, the body. *Kaya tishthati iti Kayasthah!* That is why according to them it can safely be said that the Kayastha was born from the whole body of Brahma. That is another difficulty; and there may be many other castes or sub-castes who may be claiming other parts of Brahma's body as their originators.

When there are these difficulties, the law should permit legal marriages between the various communities; and if as things stand they cannot immediately allow marriages among all the communities of India, they at least should permit marriages among the sub-castes of the same caste; and if, Sir, we pass this Bill into an Act, we should be reforming Hindu marriages and trying to improve the very race of the Hindus at one stroke. I understand, Sir, that there is a Code on the legislative anvil. My Honourable friend the Leader of the House has already moved one part of that Code. I understand that other parts are also now ready; and I see in the newspapers that a big

[Mr. Sri Prakasa]

book has been circulated to various persons in different provinces. It has been my complaint in this House,—and I repeat what I said at the time of Sir N. N. Sircar—that while all these books are circulated to all manner of persons, they are not supplied to Members of the House.

**Mr. N. M. Joshi** (Nominated Non-Official): They have a contempt for the Legislature.

**Mr. Sri Prakasa:** I wish they were supplied to us even for payment. I have been anxious to get a copy of this volume. I understand it is a fairly bulky one. I have not yet succeeded in having a look at it. I have seen the Bill that was introduced by the Honourable the Leader of the House; and I am very much in sympathy with that Bill; and I am sure I should be in sympathy with the Code as now drafted by the Honourable the Law Member, if only I had a chance to look at it. It is not in the market. It is not supplied to us. I do not know where I can find it. I know that some persons have received it and when I asked those who have got copies to lend it to me, they love the Code so much that they would not part with it. I got a copy of Sir Sultan Ahmed's Bill from the Legislative Office. I wrote for it; but the other thing is not in charge of the Legislative Office and therefore it cannot be delivered to me and I do not know where I am going to get it. I believe that before long I shall get a copy with or without payment.

Now, Sir, I do not know what exactly that Code contains and I can give no opinion on it; but I take it that it is intended to reform Hindu society in various other spheres; and though I was not able to catch the exact purport of the *tete-a-tete* between the Honourable the Law Member and my Honourable friend Mr. Deshmukh.

**The Honourable Sir Asoka Roy:** That was hardly a *tete-a-tete*.

**Mr. Sri Prakasa:** Was it a sort of *marpeet*? I gather that each was accusing the other of something that the other had not done! But in any case I did gather that the Honourable the Law Member felt that the House should wait for the coming in of that Code and not hurry up matters, but the difficulty is that men on the verge of marriage cannot wait. They are proverbially in a hurry. They do not even wait for their parents' consent, let alone the Code of the Honourable the Law Member! The Honourable the Law Member himself and his colleagues have passed beyond that stage; and so, they can wait till they are born again, if they are born again.

**An Honourable Member:** They have children.

**Mr. Sri Prakasa:** They have children, but evidently they want the children to go the way they themselves have gone and so they are in no hurry. In any case I am in a hurry, because I have my children also. And I do not want to get into trouble and I want them to keep to the joint family; and not rebel from me; and I want to have nice daughters-in-law in the house. Because of these considerations, I very strongly support the Bill of my Honourable friend Mr. Deshmukh and commend it to the unanimous acceptance of the House.

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

The Assembly re-assembled after Lunch at Three of the Clock, Mr. Abdul Qaiyum (one of the Panel of Chairmen) in the Chair.

**Mr. G. Rangiah Naidu** (Madras City: Non-Muhammadan Urban): Mr. Chairman, although I am a healthy old man of 75 years of age, I can speak on this subject for hours together if time is given to me.

**Mr. Govind V. Deshmukh:** There is no time-limit.

**Mr. G. Rangiah Naidu:** I am an orthodox Hindu who reads every day Bhagwat Gita and performs his Puja. I am a Hindu of the same type as my Honourable friends Mr. Bajoria and Mr. Dam. But, I have always been very keen on the reformation of the Hindu society. There are so many evils present in the Hindu society today that it is going down and down.

If we, the Hindus, do not come forward from today to reform our society in the near future, there will be no sign of Hindu society in India. Sir, this is the most important, simple and harmless Bill to the society. Among the Hindus in different parts of India there are different customs in respect of marriages. The customs of marriages in south India are quite different to those prevailing in other parts of India.

Sir, there are four castes amongst the Hindus. In Bhagwat Gita it is said:

*"Chaturvarnyam mayā śriṣṭam Guṇ Karm vibhāgaśah."*

Lord Krishna said that there are four castes—the Brahmins, the Kshatriyas, the Vaishyas and the Shudras. I do not know who is the Shudra now, who is the Brahmin now and who is the Vaishya now? Everybody is doing business. Even the business which is prohibited for a Brahmin is now being done by a Brahmin. The hotels are being run by Brahmins; the Aiyars and the Aiyangars are there. Even the shoe shops are being run by the Brahmins. The business of the Brahmin is to read the Vedas and the Upanishads. But the Brahmin who is running a shoe shop is not a Brahmin. The Brahmin who is selling food is not a Brahmin. Even whisky is now being sold by Brahmins. How can they claim to be Brahmins? So, I say there are no Brahmins in the whole of India now.

Then, there is no Vaishya. The Vaishya's business is now being done by everybody. I am not a Vaishya; I should be called a Shudra. But I am not even a Shudra because I am doing cultivation. I am a born agriculturist. But the business of a Shudra is to serve others belonging to the three castes. So, I am not serving either the Vaishyas or the Kshatriyas but I am serving the whole country by means of cultivation. I am feeding everybody, from Brahmin to ant.

**Mr. Badri Dutt Pande** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): But this is a marriage Bill.

**Mr. G. Rangiah Naidu**: I am coming to that. Without food how can you have marriage? First you must feed everybody and then you can marry.

Sir, the Hindu society has now become a very corrupt society. Some superstitious gentlemen and some orthodox gentlemen still say that marriages should be restricted. They seem to suggest that the old custom should be adopted even by those who have been entirely Westernised and who have been eating in hotels without discrimination. There is no discrimination in hotels; everybody is eating on one table. . . .

**The Honourable Sir Asoka Roy**: Sir, I would like to hear my Honourable friend very much, but there is so much noise going on that I can't hear him at all.

**Mr. Sri Prakasa**: There is always noise at the time of marriage.

**Mr. G. Rangiah Naidu**: In these days, unless the Hindu society comes forward to remove all evil customs and reform the society, it will go to dogs within a period of 10 to 15 years. The Hindu society will disappear from this land of Aryas, if orthodox people should resist reform in the society. In my part of the country, there is a custom to marry sister's daughter or the maternal uncle's daughter. In my own family, my sister was given in marriage to my maternal uncle and her daughter I married. We were born and brought up in the same house, and in my case, it was a love marriage. There may be other customs in other parts of India. For instance amongst Muslims, they have their own customs. In order to bring solidarity amongst the Hindus, in order to remove all disabilities for the sake of future development of the country and the society, we must come forward and accept such measures as the present one. I may tell the House that much stronger measures are coming at the next Session—the Civil Marriage Bill. It may give a rude shock to my orthodox friends like Mr. Ananga Mohan Dam and Babu Baijnath Bajoria. If my daughter is given in marriage to a Sikh, no objection should be raised to it. The present Bill is a harmless Bill. Sagotra marriages are permissible, but sapinda marriages are objectionable. Supposing there is a man in Nagpur and a man

[Mr. G. Rangiah Naidu]

with the same *gotra* lives in Madras. What objection can there be for an alliance between these two families. Amongst Muslims, they can marry father's brother's daughter. Different customs prevail among different communities. This is Kaliyuga. Our friends want to stick to Shastras which were written several thousand years ago. The Manu Smriti was composed in Krita Yuga. Who is Manu to dictate to us in this twentieth century? It is laid down in Manu Smriti that if a Sudra listens to the recital of Vedas, then molten lead should be poured into his ears. Can we do this now under the British Raj? It is impossible that any Brahman can take courage to pour molten lead into the ears of a Sudra for the simple fault of the Sudra listening to Veda recital. So, we must change society according to the spirit of the times. If we do not change our customs according to the needs of the times, we shall never become united. Take the European community. They have been in India for the last nearly 200 years. Have they changed their national customs? They do not wear a dhoti like me, they do not wear a shirt like me, they do not wear an upper cloth like me. They do not put on caste marks, like namam and other things. Simply because they have stuck to their own customs and habits, they are united in this land and they are able to rule over us. — They go to foreign countries as a united nation and rule over the natives of those lands. They do not adopt the customs of the land where they rule. Therein lies their strength. For the same reason, they have been exploiting this country. They have been exploiting so many colonies on account of their united customs and united strength. But we are not so. If we go beyond India, we are dubbed as outcastes. We are asked to do *prayaschit*, we are not taken into society. The first question that is put to a man who has returned from overseas is:

*Yeh badmash vilayat jakar aya Karo ise bahishkar. Hindu samaj is tarah kahta hai. Vilayat jane se admi kya kharab hua, kuchh nahin. Yeh sirf samaj ki bevakoofi hai.*

So, Sir, I make an appeal to my orthodox Hindu friends not to throw obstacles in the way of reform of the society. I appeal to all my Hindu friends to pass this measure unanimously, without any opposition. I want you all to support not only this Bill but any other similar measure which may be brought forward at the next Session or at any future Sessions for the sake of reforming Hindu society. Unless there is legislation, the Hindu community will not be able to settle things among themselves.

In olden days, there was *rajasashana* for anything. When Indian Rajas ruled over our country, they used to issue *rajasashanas* or edicts bringing about reform in society. There was a *rajasashana* for everything. Now, we can have such *sashanas* only through the legislative enactments. I therefore appeal to all Honourable Members that for the sake of the advancement of the Hindu society, reforms measures should be brought and passed in this House.

**Dr. G. V. Deshmukh** (Bombay City: Non-Muhammadan Urban): Sir, I congratulate my Honourable friend Mr. Deshmukh on not withdrawing his Bill by yielding to the threats and cajoling of the Law Member. For, what was the meaning of this. The Law Member says the Honourable Member has not implemented something that passed between the two of them. What I want to know is this. When a thing concerns the welfare of society or the nation at large, is it a concern of two Members of this House and can there be any contract or agreement about it? And supposing a Member who represents the public refuses to yield to the threats and bullvings and cajolings and the third degree of the Law Member, is it to be taken that there is a breach of contract? What was the idea of the Law Member in asking him to withdraw the Bill without the knowledge of the House? He knows very well that not only this House but the whole of Hindu society is interested not in this reform only but in all social reform. Sir, on the faces of my European friends here I see a smile. It may be a smile of satisfaction and in the case of better educated

and better cultured Englishman it may be a smile of sympathy. All I can say is that whenever the social laws of any nation are discussed we can take it for granted that we will find many ridiculous things which have been incorporated in the law or the religion by the legal system. I cannot forget how when I was a student in England and the Bill for marriage with the deceased wife's sister came up before the nation at that time, in the opinion of many of us it was a perfectly ridiculous measure. But all the same it touched the nation to the quick and they did not take it quite so lightly. Therefore my request to those friends who sympathise with us as well as to those who laugh at us is that they should have patience and sympathy when we of our own accord and by our own efforts try to improve our society.

Sir, why should not this be discussed by this House? Whenever these measures of social reform are brought up, we usually have one or two objections. One is that it is piecemeal legislation by which nothing can be achieved. I am sorry to say that the legal profession in general is a party to this kind of opinion. I have long come to the conclusion, having been interested in this social reform for a long time, that so far as the legal profession is concerned, however admirable it may be and however necessary it may be, for anything creative this profession is absolutely useless.

**The Honourable Sir Sultan Ahmed** (Leader of the House): Certainly better than the medical profession!

**Dr. G. V. Deshmukh:** I will come to that presently; there is no cause for resentment on the part of my legal friends at this remark, for the simple reason that I thought I was paying them a compliment. On account of their training they have to see whether a certain thing comes within the framework of the existing law, and as long as you want that and as long as you only see how the thing will be disposed of in the courts, I say anything creative is impossible for the legal profession. My Honourable friend the Leader of the House drew a comparison with the medical profession. Sir, I do not claim that the doctor's profession is a very creative profession, but I must say that his training is such and his environments are such from day to day and he has to work in such surroundings in society that he cannot help creating something which is not absolutely within some framework. Time was when I might have agreed with my Honourable friend the Leader of the House that the medical profession merely consisted in routine of purging and bleeding. But that time has long passed. I am sorry to say that the legal profession has not got over its old prejudices and old habits and going through one rut of law all the time.

**Sardar Sant Singh** (West Punjab: Sikh): May I remind my Honourable friend that we have a better sense of values at the bar than in any other profession?

**Dr. G. V. Deshmukh:** I agree, that is just the point that I am driving at. My Honourable friend talks of the sense of values. I know they have so much sense of values that they will not get out of the values we have. But we want to create values and these creative values it is not possible for them to understand. That being so I do not see why the discussion of this question should have been systematically and from session to session prevented in this House on the pretext that this is piecemeal legislation and we must do something wholesale. In connection with this I cannot also refrain from charging some of the leading women's associations in this country. Some of these leading women's associations in this country are so frightened of these legal men that as soon as anything is sent to them they will go to their respective lawyers in the different provinces,—very decent lawyers,—because they want to know where they stand.

**Sir Cowasjee Jehangir** (Bombay City: Non-Muhammadan Urban): Very natural.

**Dr. G. V. Deshmukh:** Quite correct. I hope my Honourable friend will go on interrupting like this which will be of great help to me. It is of course natural. If there is a legal measure before the House I personally would not



[Dr. G. V. Deshmukh]

be ashamed to consult my lawyer friends,—including Sardar Sant Singh if he is available,—as to the implications of the measure. But what happens is really this. These lawyers, I regret to say, either on account of the wisdom that they really have or otherwise, put things in such a fashion that these lay women who after all are anxious to secure something for themselves are actually frightened out. I will give you an instance that happened in the Bombay Presidency which I hope my Honourable friends, Sir Cowasjee Jehangir and Sir Narayan Chandavarkar, are not ignorant of. When the question of adoption was on the anvil of the local Council, distinguished lawyers of that Presidency known for their social reform advised them not to accept that piecemeal legislation because that would prevent them from getting larger rights. I regret to say that the women folk of this country, particularly the educated ones, have fallen victims to this legal advice. I daresay the legal advice is quite honestly given but without taking into consideration the circumstances of the country and the environments in which they are. Therefore it is that you find opinions in this House given by women's associations saying that they do not want piecemeal legislation but want comprehensive legislation including marriage, divorce, intestate succession and a hundred and one things put together. I have had the honour of speaking individually to some of these women. When I pointed out that they should not go by what the law wants or what the legal luminaries tell them, but they should go by what they themselves want, nearly all of them admitted that they would be satisfied with whatever they could get and after they got it they would ask for something more. As in politics, so in the case of social reform, this is a thing which might be followed.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): What about divorce?

**Dr. G. V. Deshmukh:** Even divorce. I can tell you a lot more about divorce than you know, or hope to know.

Therefore, what I say is this. Don't say that such and such Women's Association have said that they will not have piecemeal reform because if we have piecemeal reform it will interfere with our having larger reforms. Then, Sir, if we suggest larger reforms, what happens. The position, as we have repeatedly seen in this House, is that you have only to suggest a radical reform and the whole house and country is in flame, including the Law Member. They say, if there is so much opposition to the Bill that is proposed, how can they go against the public opinion. I do not know whether I can bring this charge against the present Law Member because, so far as I can say, from the time he has come he has not put his foot into it. He has always preferred to avoid everything of the kind. He has not taken any active steps to introduce social reforms, but I admit that he has not opposed any social reform, either.

**The Honourable Sir Asoka Roy:** I am waiting for you to do something.

**Dr. G. V. Deshmukh:** Quite right. I have come here to do that, and I have been here for a long time. I should have much preferred some of his predecessors who although they objected to some of the reforms, wholeheartedly supported some of the measures. I cannot forget Sir Nripendra Sircar. Although a good deal of credit has been given to different people—Chairman of the Rao Committee, and so on—I make bold to say but for the presence of Sir Nripendra Sircar on the Treasury Bench or in the position of Law Member, that Bill of social reform, which has been the source of all agitation—would never have seen the light of day. It was due to his concessions, due to his sympathy and active support that it went through. Although he did not agree with everything that was suggested, but all the same I do say that when he was convinced his was not the supine attitude of *laissez faire*; he did not let things pass, but as soon as he thought that the Bill was right he actively supported it and gave even official days to put it forward.

I cannot also forget one other predecessor of the Honourable the Law Member—Sir Muhammad Zafrulla Khan. When I put it to him about the divorce

reform; it was he who again supported by giving official days and by making every concession so far as the Divorce Bill was concerned. It does not mean that the Honourable the Law Member should necessarily agree but I do say that if he agrees he ought to give us his active support and should help us in this social reform, and if he disagrees he should frankly say, 'I will not support this, and I will have nothing to do with this'. Even his predecessor, Sir Nripendra Sircar, was not against divorce, but in those circumstances over which neither he nor we had any control he had to say no, although actually on the floor of this House he was good enough to say "... although I agree with the principles of the Bill." We would like the Law Member to give us an active support and to take an active attitude towards the Bill instead of trying to squash discussion. Besides why should the discussion be squashed? After all, what has the Government done? They have turned round and round and so far as I can see, there is only one idea behind it, and that is that it will arouse public opinion. I give full credit to the Government for the position that they want to create—namely, public opinion with regard to this measure. Otherwise, I do not see why Select Committee's Report should be sent round to the public. Does this not create public opinion? Matters are discussed in this House and that creates public opinion; this is the only platform left to us now. My Honourable friend Sri Prakasha could not open his mouth to speak on any subject during the last four years. Today is the first day when he got the opportunity to speak, and I say that this is the privilege of this House—whether on politics, or on the social reform side, or economic measures, whatever the subject may be we can have a full debate and discussion and that contributes to the creation of public opinion in this country. If not from that point of view, at least from the point of view of educating, the Honourable the Law Member should not have put forward the plea that he put forward, or the plea that he puts forward every time private Bills are moved. Allow me to tell him that but for the private Bills—and I am glad to say they were moved mainly by the Congress Party—the position of the Hindu Society would not have been what it is today. What happened in the case of reforms in respect of succession and property. At the time when we came to this House every widow was having a morsel of food in tears. Thanks to the women's rights under the Property Bill now every widow in every household is having her morsel of food not at the mercy of her relatives but as a matter of right. That is the result of piecemeal legislation. It was not the result of wholesale reform at that time. In a huge mass of Hindu Society as it is and with the prejudices and superstitions and the linking up of law, social customs and religions that has gone on in the society, it is necessary that we should proceed from one reform to the other. As soon as you have taken one step forward, you carry on to the next step. But I am perfectly willing to yield my ideas to any Government, to any authority who says 'I will not have piecemeal legislation; I want to have the whole thing radically changed'. I will support them in so far as it lies in my power, but don't let them make that as an excuse not to proceed with piecemeal legislation. But I cannot put up with the present attitude. If you suggest piecemeal legislation, they say it should be total reform; and if you suggest total reform, they say they cannot proceed with it because public opinion is against it. I say these evasive ways will not do. Therefore, I am very glad that Mr. Govind V. Deshmukh did not yield to the third degree of treatment of the Law Member.

**Sardar Sant Singh:** May I tell my Honourable friend that 'third degree' is associated with the Police. It can be the Honourable the Home Member, not the Law Member.

**Dr. G. V. Deshmukh:** What I understand by 'third degree' is bullying and cajoling.

**The Honourable Sir Asoka Roy:** Caoling is a very poor third degree.

**Dr. G. V. Deshmukh:** The Bill before the House is a very modest measure; it is such a measure that it really has nothing to do with the Codification Committee, although it has been included in codification. No less a person than

[Dr. G. V. Deshmukh]

Sir Reginald Maxwell was hesitating and was very doubtful whether this Bill should be sent to this Codification Committee. I see the Law Member shaking his head!

**The Honourable Sir Asoka Roy:** You can ignore me!

**Dr. G. V. Deshmukh:** Thank you. But I cannot ignore you altogether because I will want your active support in the cause of the social reform now before us.

Suppose this Bill is taken. How does it interfere with the Codification Committee report? Let me tell you something about it as we Indians are a very grateful people. I might as well tell you exactly how this Committee came and how all the social Bills were transferred to this Committee.

After the Women's Right to Property Bill was passed in this House and we accepted many of the amendments that Government itself suggested many of the provisions in the Codification Committee originally existed in our Bills, *vis.*, of giving the right of absolute property to women etc. The then Law Member, Sir Nripendra Nath Sircar, said that it would be impossible to push the whole of this measure, so please be satisfied with what we can do now. So all those things about giving the right to widows were accepted by us not as a full measure but as a compromise. When subsequently our Bills were before the House after the passage of this Act, different reports came from different High Courts to say that the different High Courts were interpreting the provisions of this Act in different ways and therefore to make it uniform this Codification Committee was instituted.

Since then, unfortunately we had taken a different attitude and we thought rightly for the then circumstances that no useful purpose would be served by our party coming to the House. You must remember that the primary object of our coming to this House was political. Since we thought no object would be served in the political field we ceased to attend. The result was that many of our social Bills were merely lying, and there was never any chance of their being brought before the country.

**Rao Bahadur N. Siva Raj** (Nominated Non-Official): Awful blunder!

**Dr. G. V. Deshmukh:** I will answer Mr. Mortimer. What is the blunder in it? When our best leaders were in jail, did you expect us to come to this House? When our Jawahir Lals and Patels were in jail is it consistent with the dignity of even a second-rate leader to come to the Assembly? From our point of view we were correct. Your justice was meted out in a spirit of vengeance and not as justice, and yet will you please say that we were wrong? We were absolutely in the right. Mind you, Sir, if Mr. Mortimer . . .

**Mr. T. Chapman-Mortimer** (Bengal: European): On a point of order, I did not say anything.

**Mr. Chairman** (Mr. Abdul Qaiyum): You are getting away from the subject of the Bill.

**Dr. G. V. Deshmukh:** I do not care whether it is Mr. Mortimer or his neighbour. In the then circumstances we did not think it advisable to come here. When we did happen to come in the medical, I mean political field . . . (Sir Cowasjee Jehangir can afford to laugh. It is neither in the medical nor economical field!) . . . I suggested to Mr. Maxwell that now that you are appointing this Committee why not send these Bills to the Social Reform Committee. Let it be said to his credit that he did send them. It is not my habit to disown anything that might be done for the welfare of the country. It was the then Home Member, Mr. Maxwell, who sent this Bill to the Committee for consideration. Although he sent the other Bills, he himself expressed the view that so far as this Bill was concerned, he was very doubtful whether it could be sent to that Committee..

The whole argument is that our Codification Committee's report is coming when we will be able to deal with the whole question and not piece-meal and therefore all these questions must not be taken before the House. These arguments cannot be substantiated by the Law Member. They do not come in the

way of your Codification Committee. In that Committee, what are the objections? If you change one part of the Hindu Law it has repercussions on the other parts of the Hindu Law and therefore you cannot change one part of the law and not the other. That is the argument put forward by my legal friends. In this particular Bill there are no such repercussions. After all those who are married and those who are going to marry, whether they belong to the same *Gotras*, *Pravaras* and *Sagotras*, the object is to make their children legitimate and to make their succession valid. All that it wants is that those who belong to the same *Sagotras* and *Pravaras* should be allowed to marry.

Let me here request the Law Member to do something which the Congress Party has done and let him take a leaf out of our book. In a question like this we have allowed a free vote and free discussion to all members of our Party. Is Government prepared to do that? I speak in respect of their Nominated Members.

**Mr. Manu Subedar** (Indian Merchants' Chamber and Bureau: Indian Commerce): He may like to vote with us.

**The Honourable Sir Asoka Roy:** I could not understand what I am expected to do.

**Dr. G. V. Deshmukh:** The consequence of marriage is carrying!

**The Honourable Sir Asoka Roy:** You do not expect me to do that!

**Dr. G. V. Deshmukh:** In a matter of non-political subject like this we have allowed free opinion to our members. I for one will not be for curtailing any particular opinion whether on the religious side, or the political or economic side.

With this introduction to it, let me come down to the Bill.

I say the Law Member should never have prevented the discussion of the Bill and I hope that in future when some other such Bills are being reviewed he will not come in the way of free discussion in the House, for the simple reason that if it serves nothing else it serves the purpose of educating the country, an object which is as much to the heart of the Government as it is to the heart of we people who are their elected representatives.

I say from the legal point of view this Bill does not interfere with the codification of your other Bills. It can have no repercussions on the other side of the Hindu Law. If two people in different parts of the country happen to marry and by ignorance they happen to belong to the same *Gotra*, why should their marriage not be valid? After all, whoever knows what *Gotra* means in these days! We are bringing in all kinds of religious texts from various authorities and saying these are our *Shastras*. Even in *Mahabharata* the great Hindu King, Dharma Raj said: "*Smriti Vibhanna ne eko Rishiriyasya Vaccha Pramanam*", which translated is: "There is not one *smriti* which is like another. There is not a single *rishi* whose authority or sayings can be taken as authoritative." Therefore we are not going to have less number of opinions and thought in these days than what was expressed by the great Dharmaraja, the founder Hindú King, one of the greatest kings, who was nicknamed the King of Religion. If that was the view expressed what is the good of my friends here who are talking about Sanatanists and orthodox people who are making *yagnas* at Benares with 35,000 offerings, saying that this is all against religion and therefore there must be a religious-movement against this social reform. I say that this question can be discussed from two points of view. There is the religious point of view and there is another point of view, which I would like to discuss if the House would allow me. *viz.*, the scientific point of view or the eugenic point of view. Sir, from the religious point of view, as I said whenever the scriptures are quoted as authority for the present system we cannot rely on any one author, because as soon as one author is quoted you have half a dozen other authors who are quoted against him. When there are so many opinions quoted against one another how can you rely on any one of them? This has been the experience in this country about religious opinions for a very long time. At the time of the *Sati* opinions were quoted in favour and against. At

[Dr. G. V. Deshmukh]

the time of the Child Marriage Restraint Act, religious opinions were quoted both in favour and against. At the time of the Women's Right to Property Act the *smritis* were quoted in favour and against. On those occasions the opinion was expressed that these legal measures would uproot Hindu society. Hinduism would topple down and that the legislative measures would mean the destruction of Hindu society. But what has happened? Has the abolition of *Sati* led to the destruction of the Hindu society? Has the Child Marriage Restraint Act led to the destruction of Hindu society? Or, even in my own sphere of legislative endeavour, has the Women's Right to Property Act led to the destruction of Hindu society? I say that Hindu society has become stronger and more vigorous on account of these measures than it would have been otherwise.

Therefore, Sir, you cannot rely on any of the older opinions or *Smritis* as authoritative opinions on *Sagotra* and *Sapindas*. What does *Sagotra* mean? Even on a more intimate word than *Sagotra*, I mean *Sapinda*, we have differences of opinion. Some religious commentators say that it means belonging to the same flesh and blood. It might have been thought that so far as a word like *Sapinda* is concerned there could not be any differences of opinion but it is not so in fact. There is also another opinion, which is quite different and which says that *Sapinda* means not blood relations but those who offer rice balls to the ancestors in Heaven and those who have that right. You have only to look through the discussions and comments with regard to the giving of right to property to women to see how this controversy has waged and how different commentators and different texts have been brought in. I say that if that is the position with regard to a word called "*Sapinda*", which means of your own flesh, blood and bone, can you expect any unanimity on a word like *Sagotra*? One of the modern commentators goes to the extent of saying that *Sagotra* means those who had the same pasturage or common drinking ground, because in the olden days all these communities had a common pasturage and a common drinking ground. Now you can understand that at that time, when there were small nomadic communities they were feeding their cattle on the same common ground and having the same water supply. It is just possible that a religious injunction might have been issued that the same community should not marry within themselves. Those of you who have read the book by Dr. Freud "*Totem and Taboo*", wherein he deals with the question of exogamous marriages will easily see that it is not impossible that that might be the origin of *Sagotra*, that one community did not like to marry within the same community and therefore they wanted to have marriages outside their own community. Therefore I myself think that *Sagotra* has very little or nothing to do with religion or religious practices. To my Hindu friends, who say that *Sagotra* means some kind of blood relationship and that prohibition has been instituted to prevent Endogamous marriages or marriages within blood relationship. I say that when you talk about *rishis* being our ancestors you are doing nothing but defaming them. So far as I know many of the *rishis*, whose names have been handed down to us were bachelors and ascetics. What do you mean by saying that this means blood relationship? I am not prepared to defame our *rishis*. After all like every society my society also has produced ascetics and venerable men to whom I do bow my head and whom I look upon with reverence. There is only one other explanation, if you do not accept the explanation of *Sagotra* on the basis of a communal grazing ground and that is this. These *rishis* being the teachers and givers of instruction his pupils coming to him from all parts of the country and these pupils or disciples belonged to the same *gotra*, that is to say the same common school. Here again, where does the claim of blood relationship come in? Therefore I say that whether you look at it from the religious point of view or any other, the cry that is raised that *Sagotra* is meant to prevent Endogamy and preserve the purity of blood (I have my own views on this which I will presently offer to the House), *Sagotra* has nothing to do with religion nor with blood relations. It only means that people belong to

particular school. Otherwise, how can you explain the same *gotra* amongst the Brahmins, how can you have the same *gotra* among the Kshatriyas and Vaisyas? Those who are learned in the Shastras and scriptures will tell you that it was usual for the Kshatriya clans to accept the *gotra* of the priest or the Brahmin who was at their courts. Even then I say that blood relationship cannot come in. Therefore let us forget in deciding a matter like this that we are dealing with religion or blood relation. Like all ancient things superstition and religion have gathered round *Sagotra* to make things look in the dark darker, and I am surprised that even this Hindu Code Committee, where I

4 P.M. expected that modern thought would prevail, seem to have gone down before these gods of clay with reverence bowed their knees and brought their heads down in these days. I have not seen the Committee's report—my complaint like my friend Mr. Sri Prakasa's is that everybody else seems to have got it but I have not got it yet; but I read something from the newspapers and I am giving notice that if I am not correct, the Honourable Member will correct me. I say that with regard not only to this *sagotra* and *sapinda* relationship—that they cannot marry for five degrees or seven degrees—let some thinking prevail; let us have some thinking on this subject; let us dissect and analyse and bring to bear whatever knowledge we can on this subject, so that we shall not perpetuate the same blunders which have been perpetrated for an untold number of years. From the religious point of view there is absolutely nothing in this *sagotra* business; there is absolutely no objection why *sagotra* marriages should not be allowed.

*Sagotra* at least you can understand; but when you come to *sapraravas* I defy anyone to say—and I may say my Honourable friend Mr. Aney who is no more in the House also said that there are many Brahmins who will not be able to explain to you what really *saprarava* means. In one place you will find that the *sapraravas* are less in number than the *gotras*, in the other case you will find that *gotras* are less in number than the *sapraravas*. When there is a jumble like this, what is correct and what is not correct? My Honourable friend's explanation seemed to say that if the two members are of the same *gotra* then, although they belonged to the same *gotra*, they could marry because their *pravaras* may be different; and he puts down as *pravaras* to distinguish and discriminate between two children, boy and girl, of the same *gotra*. Mr. Deshmukh in his discussion before the Assembly says that there are four *gotras* and 49 *pravaras*; and so far as I can see—and I have had a talk, when I was an active participant in these measures in the House I took the trouble of inviting a few *Sastris* to learn from them what actually this *pravara* and this *gotra* mean; and I very much regret to say that the explanations were just as confusing as they have been on the floor of the House. Nobody seems to know what *pravara* is, and nobody seems to know quite definitely what the *gotra* is . . . .

**Mr. Lalchand Navalrai:** How are we to legislate then?

**Dr. G. V. Deshmukh:** I know that the only qualification for legislating is not to know anything. I say I was no wiser after consulting these learned people as to what the *pravaras* are and what the *gotras* are. If *sagotra* marriages cannot be supported, then *pravaras* can be still less supported or still less prohibited because *pravaras* according to this it means—at least this is what I am inclined to believe; that these *gotras* come first, and the *pravaras* come afterwards. I believe that the *pravaras* are a higher classification, not a lower classification than the *gotras*; and I think I am entitled to give my own explanation on the subject to this House.

I say that this *sagotra* business had come to be a difficulty with our older thinkers; not having any legislative assemblies then, they tried to solve it in their own way. If a boy and girl of the same community had to come together and there was difficulty about the marriage—that their children would be legitimate, they solved it in their own way, and to my mind it was a very beautiful way. To get over the difficulty of the boy and girl being of the same *gotra*,

[Dr. G. V. Deshmukh]

they brought in these *pravaras*, to say, that although they may belong to the same *gotra*, if they belong to different *pravaras* then they could marry. That was a very clever way of getting over the difficulty, so far as *sagotra* marriage was concerned. You can understand that in those days the interpretation of the law was not as rigid—it might have been good, bad or indifferent—but it was suited to the circumstances. Learned people of the community came together, interpreted the laws and they made it in conformity with the conditions of the society and the circumstances of the time. With the institution of rigid courts, the law has been crystallised and you do not have the same liberty of interpretation as we used to have in the olden days. Even more so now. I really pity those Sanatanists and orthodox gentlemen who say that they are following the Hindu law. What is the Hindu law today? Is it the Hindu law as interpreted by Hindus only? No. It is Hindu law as interpreted and on which the final seal has been put by Englishmen—foreigners who are not born to the law: and although they have tried their best to understand the law, they cannot understand the implications of it and they follow the legal methods which are in conformity with the legal traditions of their own country. Necessarily therefore we suffer from the advantages of the method as well as the disadvantages of this method. If Hindu society had advanced and did not need any progress, I can understand the advantages of a method like this. But with a society like this and a government when it was not popular having taken up the attitude that they do not want to interfere with the laws of the people, social progress of the people became absolutely impossible. What I say is this. The Government now must take courage in both hands. It cannot be contradicted that this is foreign Government but now it can change the laws of the country. If it is a change, they are only assisting, they are only helping and the main brunt, the main responsibility of changing the laws of the country is on the heads of the representatives of the people. Therefore there is no justification for the same attitude on the part of the Government as it was before. From the religious point of view this *pravara* business has no standing, and I do not see how it can be allowed to weigh with us. As I have said, these *sagotras* also, if not as unimportant, cannot be considered to be of paramount importance.

This Bill does not have any repercussions on other parts of Hindu law. Why should there be any difficulty, then, about accepting this Bill by this House and the Law Member supporting it. I do not really understand. Supposing I grant to the Sanatanists that this Bill interferes with the blood relations. From the eugenics point of view, I say, who has made the experiments with regard to eugenics? After all the exogamy or marriages out of the same circle—has it been always as advantageous and is marrying within the blood been so harmful? Let me give you the instance of Darwin. If marrying within the blood can produce Darwins, it can be good enough for any community in the world. Darwin came of father and mother who were intimately related to each other both from the father's side and from the mother's side; and this in-marrying of blood did not lead to any degeneration on the part of the product. On the other hand, Darwin has been one of the world's greatest thinkers. If you do not want to go to Europe, I will give you another instance. Before I come to a modern instance, of this marrying within the blood, I will cite the case of the royal dynasties of Egypt in the olden days. They went even to the extent of brother marrying sister. And if we are not concerned with kings, let us come down to the in-breeding of the Bedouin Arabs. Well, can you get a race which is more brave, more honest and better in every way than the Bedouin Arabs whose qualities of head and heart have been praised all over the world?

Therefore, my point is—don't go straight in for this marrying-in of the blood. I do not recommend that but I say—don't all at once be so superstitious as to think that this in-breeding is something atrocious, something horrible and something not good for the race of Hindus. This is the scientific view and I know that there will be lot of opposition to these views but I cannot think in any

other way but the scientific way so far as my training is concerned and thinking in a religious way so far as my upbringing as a Hindu is concerned. I want to combine both, if both can be combined. That will explain my alluding to the science of eugenics to a certain extent. I say—why should we think that in breeding in the same *gotra* will lead to degeneration of the race. It is quite likely that it might even lead to an improvement of the race. After all, what have the experiments shown? It has not been proved that inbreeding leads to degeneration. There is no Mendel's law about it. Nobody has tried to experiment Mendel's law with regard to inbreeding experiments so far as human beings are concerned. On the other hand, so far as proof is concerned, it is the other way round. Take the instance of Darwin and the Bedouin Arabs; from the eugenic point of view we do not and we cannot support any resistance to the passing of this Bill.

Coming down to the sub-castes. One of the provisions of the Bill is that you can allow sub-castes to intermarry. My Honourable friend Mr. Sri Prakasa told you that originally—and there cannot be any doubt about it—so far as the religious books are concerned, there were only four castes in India—the Brahmins, the Kshatriya, the Vaisya and the Sudra. Quite apart from the region of the body where they sprang from what do we find? The four castes have been multiplied by geometrical progression. There are today four thousand castes in India. Is this religion or is this society? Is the Hindu society going to keep up its position in the future struggle in this world? Even so far as the old religious scriptures are concerned, what is the justification for *pratiloma* and *anuloma vivahass*. Even the great God Creator himself in my religion says that the 'Brahmins came from the mouth'. True! It was then their business to attend only to learning. I am not ashamed of it. It was like the Professor class in every modern State. Since it was their duty always to teach and receive instruction, naturally, metaphorically their status was put in the mouth of God, the Creator. So far as the warrior class is concerned, they seem to have come from the arm. If he is a warrior, he always fights with the arm. I say there is a metaphorical basis for the origin of the four different castes in my society. So far as the Vaisyas are concerned, my strength has come to me from my thighs and so far as my foundation on Mother Earth is concerned, well, I have got to use my feet. Otherwise I will be a lame creature. It is true that this was twisted and was made to suit their own purpose by the priestly class but I am not dealing here with the priest class. I am concerned with my religion and I say there is nothing laughable or nothing degrading in this idea of the creation of the four castes. After all, if you read the modern psychologists, men like Jung and Froude and many of the mental psychologists say that after all so far as the division of labour is concerned, you can only divide the communities into four classes—the learned class, the fighting class, the trading class and the serving class and we have what another psychologist Jung—I forget his name—calls the "personas", if I remember rightly. So, what I say is that instead of anything being there to laugh at in this classification of society, there is something in it which every Hindu might be proud of. At the same time he has every need to be ashamed of the twisting and the degeneration that was brought in by the priest class. What religion is there which has not been degenerated and degraded by the priest class and made it to suit its own advantage. Take the case of Christianity and the case of Islam. I say that there is no religion which has not been degenerated and degraded by the priest class belonging to that religion. Therefore my request to my Hindu friends is this. Don't go by the interpretation that has been put on your own religion and religious scriptures by the priest class. So far as I am concerned, I do not yield my powers of thinking to anybody. I may be wrong but I do not yield, whether it is in the political field or the economic field or in the religious field.

**Mr. Lalchand Navabhai:** In the medical field also?



**Dr. G. V. Deshmukh:** I should have thought that you took that for granted. That being the case, my request to my Hindu friends is—why go by the interpretations of your priests which have been put on the scriptures for thousands of years. Now, you have had the benefit of education. You have the interpretation of the thinking men of both the East and also what is more important—and I say this advisedly—and of the scholars of the West. If you are in doubt about any point, they have interpreted many of the scriptures impartially, not being interested in any particular interpretation. Under these favourable circumstances, it is the duty of everybody concerned to interpret in his own light. He should not stop at that. It is his duty to instruct his countrymen at the same time.

Now, take the interpretation about the origin of the four castes. I do not call the feet untouchable, because they happen to be my feet. Nor do I consider my hands to be of less importance or my thighs to be of lesser importance than my tongue and mouth, because I can speak for a little while in the Assembly.

● I am very glad to see my friend Mr. Bajoria just coming into the Assembly. I have never found anybody more reasonable than Mr. Bajoria and what is more, if things had been left to ourselves, to Mr. Bajoria and myself, and if the Law Member had not butted in with his Codification Committee—I am not speaking of the present Law Member—I can assure you that by this time the condition of Hindu society and of women in particular would have very much improved.

**The Honourable Dewan Bahadur Sir A. Ramaswami Mudaliar** (Supply Member): You are applying third degree to Mr. Bajoria.

**Dr. G. V. Deshmukh:** He is so very reasonable.

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

I am sure when he gets the opportunity to speak, he himself will say the same thing about me. (*An Honourable Member:* "Wait and see.") What I say is this, that since the head, the hands, the thighs and the feet belong to the same organism and are of equal importance so far as the vitality of the society is concerned, where does the question of caste and sub-caste and much less the question of touchability and untouchability comes in? I say it is absolutely a wrong interpretation which has been put. I am very sorry I have got to repeat the same thing, but I cannot help it because I feel so badly about it. It is very unfortunate that the members of my society should go on with these interpretations and leave the wheat behind and be satisfied with this wretched husk. I can explain the historical reason for all this hair-splitting and for the multiplication of castes and sub-castes. We did not have anything better to do than to sit down and spin threads. Not having much of an ambitious programme so far as this country is concerned and not being able to involve ourselves into adventures of a magnificent kind, all our energies were wasted in producing castes and sub-castes and whether I should dine with you or marry with you. After all, nourishment and reproduction are the necessities of life and it is no wonder that the energies of the human race should be incessantly and perennially engaged in considering these two questions. I do not blame my ancestors for all the things which have been created, but I do blame the present generation for not taking the right view of things with all the favourable circumstances of research and education at their disposal. That is where my heart bleeds and I am surprised that even at this time we should have these distinctions of *pratiloma* and *anuloma* marriages. Will my brother Mr. Govind Deshmukh tell me whether in the marriage laws the same has not been given effect to with regard to these marriage laws of the Hindus? If it has been done away with, all glory to them. The upper class man can marry the lower class woman. That is the *anuloma* marriage. I do not know whether there were profiteers in

those days even in the matter of marriage. A Brahmin could have four legitimate wives. He could have a Brahmin wife to whom the position of importance was given. Secondly, he could have a Kshatriya wife, who was second in importance. Thirdly, he could have a Vaishya wife and fourthly a Shudra wife. All the four wives were legitimate because they were *anuloma* marriages. Similarly, a Kshatriya could have three wives and a Vaishya could have two wives and a Shudra could have only one wife. Do not forget there were capitalists and profiteers even in those days with regard to the marriage. If that order was followed, then they were valid, but if the reverse order was followed, then the fat was in the fire. Then, they were invalid. And so far as the marriage from a low class man to the upper class woman was concerned, the issue of that marriage was considered illegitimate and branded with all kinds of disqualifications.

Only the other day while reading the debate on South Africa I was reminded of the South African situation today. I do not want to import politics in the social question . . . .

**Sir Syed Raza Ali** (Cities of the United Provinces: Muhammdan Urban): This is an anecdote.

**Dr. G. V. Deshmukh:** I think Sir Syed Raza Ali will tell us if it is a fact that the South Africans do not like the native population to marry the European girls.

**Sir Syed Raza Ali:** They are bitterly opposed to it.

**Dr. G. V. Deshmukh:** The only point why I wanted to say that was that almost every community does that. But, then, now we have been here for thousands of years irrespective of the fact where we came from. It matters not whether we came from Palmyra or we came through Afghanistan or we sprang in the soil here. Whether we are Aryans or Dravidians, we have all been so long on this soil and this soil has given us nourishment and food and has formed our blood and our brains and bones. Is it worth while, therefore, to keep all these differences? Have we not been merged into one nation? Have we not been merged into one type of individuality? Any Indian—I do not care who he is—who goes over to the foreign countries can immediately be found out across the crowd on the opposite side of the road even in London and in Paris. You can say: Here is my countryman who is going across the road. I do not care whether he is a Parsi or a Muslim or a Christian or a Hindu of a depressed class or a high class Brahmin. I can always spot an Indian because there is something very distinctive about him. That means that nature has not failed in its attempt to hammer us into a type of nationality however much to our conceit. We may say that we belong to this blood or that blood. After all, we have become Indians now. That is so far as all the Indians are concerned. So far as the Hindu society is concerned, is it necessary that we should observe these castes and subcastes? From four castes you have come to 4,000 castes with regard to dining and marriages. Now, dining is a social side and I do not deny that marriage is also a social side. But what does the Bill do? Does the Bill say that you shall marry? No, as has been repeatedly pointed out, it is permissive. You need not marry, but if you do marry, no law should come in and say that the children of this marriage shall be illegitimate. Look at Russia. Because of the ignorance of the parents, the children shall not be branded. Therefore, I say that where marriages do take place, there should be a permissive law. Not to accept the child as a legitimate child of the marriage is a moral wrong and it should not be a legal wrong so far as we can help it. Therefore, I say that the provision that has been put forward with regard to the subcastes is very wise. I do not think it goes as far. My complaint against my own brother's Bill is that it does not go as far as I would have liked it to. The way he has curtailed it that only *sagotras* should be covered by it does not satisfy me. It cannot satisfy any intellectual person. Why not have *sapindas* as well. After all, as some of my friends themselves have suggested, a maternal cousin can be a legitimate bride and I suppose it must be admitted by a Hindu.

[Dr. G. V. Deshmukh]

at any rate, that if a *sapinda* marriage in certain sections of the Hindus cannot be looked upon as illegitimate, how can you say that a *sagotra* marriage can be illegitimate? Therefore, in my opinion he has gone along the path of least resistance.

One thing I have learnt from my experience in this House. It is useless and hopeless to convince my Hindu brothers by proving to them that any measure is according to religion and that whatever you are suggesting in this House is according to the tenets of the Hindu religion. It is a hopeless task and I hope no future reformer will waste his time on it. When you were in the Chair, Sir, and when many of the social reform measures were propounded in this House, I then, being a tyro in social reform, had the idea that all that I had to do was to convince my Hindu brethren that a thing was in the Hindu scriptures and it will be followed. Then all that I had to do was, at great personal inconvenience, I do not say expense, to get hold of the Shastris and Pandits. I wanted them to explain things to me as to what the real position in the Shastras was. I must admit that even among orthodox classes at the present day there are many people who hold advanced views, and in my opinion right views. I was fortunate enough to come across them and they explained to me that this was the right explanation. With a childish faith, I came to this House thinking that all that I had to do was to show these things in our scriptures and tell them that these are the authorities and they should abide by them. Imagine, Sir, my disappointment when I saw Honourable Members of the House, educated, learned, representing intelligent section of my community coming forward and saying that the scriptures were misapplied. They did not dare to say that the scriptures were wrong. When that would not stand the ground, then they said it did not apply to present day circumstances. If it does not apply to present day circumstances, well then, suggest something which will be applicable to present day circumstances. No, Sir, that was not done. Even an intelligent person like Mr. Aney gave some explanation in this House which was heart-breaking. When the Bill for women's right to property and divorce, residence and maintenance Bills came before the House here, my friend Mr. Aney adopted the usual policy which the Government of India follows. When I brought the residence and maintenance Bill for women, Mr. Aney said, why bring in such a piecemeal legislation, we must have wholesale legislation. I remember very well in this House when I said, very well bring wholesale legislation, he said, what are you doing? Are you thinking of uprooting the whole Hindu society? How can the Hindu society continue? This was the case of an intelligent person like Mr. Aney. I am not making any charges against him, because he is not here to answer them. It is in the Legislative Assembly Debates and any one can refer to it. I can understand my Honourable friend Mr. Bajoria. So far as he is concerned, I was amazed at the progressive opinion held by him considering the number of Sanatanists who were egging him on to put forward their views on the subject. He did not however allow himself to be their mouthpiece. Indeed if I remember rightly, it was Mr. Bajoria who agreed to my residence and maintenance Bill for Hindu women. Mr. Bajoria agreed when so many Sanatanists and orthodox Pandits did not agree.

**Babu Baljnath Bajoria** (Marwari Association: Indian Commerce): No, I did not agree with your Bill.

**Dr. G. V. Deshmukh:** You agreed to the idea underlying the Bill which comes to the same thing.

**Babu Baljnath Bajoria:** The Honourable Member is misrepresenting me.

**Dr. G. V. Deshmukh:** I will ask my Honourable friend to point out in the Assembly Debates themselves whether he agreed to or opposed the measure. When Sir N. N. Sircar could not go to the length of accepting my Divorce Bill, and when he was good enough to appoint a Committee at my suggestion for

residence and maintenance Bill, my friend Mr. Bajoria unanimously agreed to it. Is that correct or not?

**Babu Baijnath Bajoria:** Not to the Bill, but to the motion that there should be residence and maintenance for women.

**Dr. G. V. Deshmukh:** I honour men like Mr. Bajoria for their honest and robust opinion. I can understand it is merely a matter of convincing them. I promise the Honourable the Law Member that if he finds that the whole codification of Hindu law will not go through on account of opposition from the Hindu community, all that he has got to do is to come forward with me and Mr. Bajoria and we will see that some of the measures go through. I feel confident about Mr. Bajoria. I will give you another instance. Just how as regards this Intestate Succession Bill, I can tell you that there is a lot of discussion going on in some of the vernacular papers. I read in one of the Marathi papers and naturally in some of the English papers also,—I do not know what is happening in other parts of the country, there is a lot of discussion going on about this Bill. I find the Sanatanists are opposing this measure saying that it would lead to breakage of property, as if human beings are meant for property, and property is not meant for human beings. But that is beside the point. I submit that these orthodox men are now writing that so far as women are concerned, the Property Bill of 1937 has been very good, very just and it gives women substantial rights. What was then condemned by them is now praised.

**Babu Baijnath Bajoria:** Question.

**Dr. G. V. Deshmukh:** I do not know what is taking place in that part of the country from which Mr. Bajoria comes. Mr. Bajoria may question as he likes, but in my part of the country, this is what is going on. I do not know about Marwari community. Whatever Mr. Bajoria may say, I still maintain that the orthodox men approve the 1937 Bill. They actually praise the Bill. I say to the Honourable the Law Member, take courage in your hands, proceed with the social reform legislation. You have all the intelligent opinion behind you in this country and the very persons who will be condemning you today for some of this piecemeal legislation, if you cannot make wholesale reform, will be the very persons who will praise it at a later date.

With regard to the provisions of the Bill so far as marriage between sub-castes are concerned, why should objection be taken for it? After all is said and done, everybody would like to be classified under the four castes. Should you really not help in the merging of all sub-castes into each other and reduce it to its pristine purity of four castes. I want to put it to the Sanatanists, do you not want the Hindu society to go back to its original pure form? If the sub-castes marry among themselves what is going to be the effect of it? All will be merged and there will be only four main castes. Can there be a more desirable piece of reform from a religious point of view to take back the religion to its pristine pure form? Is that not an object for which my Honourable friend Mr. Bajoria and others should contend for, including the Law Member, which is to produce pure Hindu society? It is the duty of every Hindu to go back to pure form. I always said in this House that I am very proud to have been born a Hindu. That is not a blind statement based on superstition. I find in my study of Hinduism that it contains every provision that will satisfy my conscience, and that no Hindu need look to any other religion either for the satisfaction of his heart or the satisfaction of his head or even for the law. What is it that it does not contain? Even as regards the daughter's inheritance, she will get one-fourth of the brother's share. I admit that my Muslim friends also have been very advanced in that respect.

**Babu Baijnath Bajoria:** You are misleading the House.

**Dr. G. V. Deshmukh:** My Honourable friend says I am misleading the House. I defy him to prove that I am wrong. And what is more. I will tell him how that share of the daughter was converted into dowry by a low kind of trick. And it is not we only who are condemning this transformation of the legitimate share of the daughter. Manu himself says that the share of the

[Dr. G. V. Deshmukh]

daughter should be one-fourth of the brother's share. And even so early a commentator as Medatithi who lived about the year 750 condemned this changing of the daughter's share into dowry. It was a finesse, cheating the poor daughters who were then ignorant and uneducated. And they were kept pleased by saying that they were being given dowry, by the pomp and show of marriage. What does that mean if it is not cheating?

**Babu Baijnath Bajoria:** Sir, on a point of order how do these point arise on the Bill now under discussion?

**Dr. G. V. Deshmukh:** I think the point does arise. I say it is the priest-craft that has done this. And if you allow marriage among sub-castes, I say you are not going beyond Hindu religion; you are only restoring Hindu religion to its old form. Therefore the comments you find in the papers in regard to clause 2 of the Bill are useless. I have heard comments even in this House that this is an attempt to get a social measure passed which is not before the country. Nothing of the kind; all these provisions are in the Hindu law and the Hindu scriptures, only one commentator after another in trying to show off his own knowledge put on different glosses on the text. And that is how my friends like Mr. Bajoria and their followers put forward all kinds of excuses to interrupt the progress of social reform. But it is not against Hinduism at all. One argument is advanced that the public have not demanded it. But can there be better proofs than facts, so far as the public is concerned. I suppose in law they say that one fact is worth more a hundred rules or laws; and I say that one fact in public life is better than any amount of so-called public opinion expressed in the papers. What is happening among better class Hindus? If a girl wants to marry a boy or the parents of a girl want to marry her to some boy and they belong to the same *gotra*, they try to circumvent that by giving that girl in adoption to some other parents, a thing illegal in itself, because no girl can be taken in adoption under Hindu law. And those who are proud of Hindu law and accept Hindu law at the hands of European judges of the Privy Council keep quiet over it and do not say one word. But when taking all these facts into consideration some poor legislator comes to the House and wants to change or modify the law so that individuals may be fitted to the circumstances or the circumstances may be fitted to the individuals, there is a howl and uproar from one end of the country to the other that religion is being uprooted and society is being destroyed. But one fact is enough; and this kind of thing is happening not among ignorant people or people who only want to make money. It comes out of better human sentiments, sentiments of devotion and love and regard, and when two youthful hearts want to fulfil their destiny by marrying, here are these rigid artificial impediments and you force them to circumvent them by all kinds of devious methods. Is it not right that this legislator should notice these facts even if they happen rarely and among educated people? When the question of separate residence and maintenance was put forward I pointed out that the circumstances are changing. You find many of these so-called educated men possibly after their return from Europe at the expense of their fathers-in-law marrying other girls. It is for you to say whether this should be made legal or otherwise, but why should you force his first wife to live under the same roof with the second wife? Does it not hurt her? But there again opposition came in and unfortunately we could not succeed due to many circumstances. Does the Law Department of the Government of India want that there should be applications from hundreds of thousands of people that they want to marry outside their caste and therefore the law should be changed? Soon after we came here there was an instance which occurred . . . . .

**Babu Baijnath Bajoria:** Why not marry under the Civil Marriage Act?

**Dr. G. V. Deshmukh:** I will come to that; I will tell you why.

Sir, an instance happened of a marriage in Bangalore between a European gentleman and a lady, and there was some question as to its validity, whether

it was in the cantonment or outside it. And the then Home Member,—I think it was Sir Henry Craik,—brought forward a Bill to rectify that. That is how societies are kept together and built up. You cannot say that because members of my society have not put forward petitions for enacting this law therefore you will not do it. It is for the legislators and the Government Department to see what things are necessary and suitable to the environments and changing circumstances in the country. They say there is no demand. I say there is a better demand than sending petitions. There have been scores of instances in my own part of the country where daughters have been given in adoption so that these marriages may be performed. That is a fact which ought to strike the legislators and the Law Department and the representatives of the people. Instances like that are daily multiplying; all that is wanted is that you should have some measure for the relief of these people. By education, by culture and by instruction they have come to a stage when although belonging to the same *gotra* they should marry. There should be permissive legislation for it. A point has been made, “why do you not marry under the Civil Marriage Act?” Who are you to tell me that? Why should I marry under the Civil Marriage Act. I am as much a Hindu as you are . . .

**Sir Cowasjee Jehangir:** Whom are you addressing?

**Dr. G. V. Deshmukh:** I have heard this cry all over the country. They put it forward as an argument, and I think it is something like an argument which an Honourable Member from the European Group put forward the argument of the war effort when we were discussing the South African situation.

**An Honourable Member:** No politics.

**Dr. G. V. Deshmukh:** All right. They say those who are willing to marry they should marry under the Civil Marriage Act. I am as much a Hindu as you are, perhaps I am a better Hindu than you are . . .

**Sir Cowasjee Jehangir:** Who is you?

**Dr. G. V. Deshmukh:** I may have made better attempts to keep the Hindu society solid, than merely spouting *mantras* and *slokas*. What right has anybody to say that I should marry under an Act which does not belong to me. It is my duty as a member of the Hindu society . . .

**Mr. Hooseinbhoy A. Lalljee** (Bombay Central Division: Muhammadan Rural): And a Brahmin as well.

**Dr. G. V. Deshmukh:** Yes. I am proud to own that for the time being. In the olden days it was Brahmins—my ancestors—who used to make the law, and it could not be Mr. Bajoria's; they would not have any say in that.

**Sir Cowasjee Jehangir:** Are you a Brahmin?

**Dr. G. V. Deshmukh:** Yes, blue-blooded Brahmin and my *gotra* is *kashyap*. What right have they to tell me that I should desert the Hindu fold. I am born a Hindu, and will be a Hindu and nobody has as a right to take away my hereditary heritage of being born a Hindu. You may tell that to somebody who is ashamed of his religion. I am proud of it. It is not for you to tell me that I should give up my own fold and marry under the Civil Marriage Act . . .

**An Honourable Member:** Not under the Gour Marriage Act.

**Dr. G. V. Deshmukh:** Whether it is Gour Marriage Act or Civil Marriage Act, it is my duty as a Hindu to see that Hindu law is improved . . .

**Babu Baijnath Bajoria:** Then you admit that a marriage under the Civil Marriage Act is not a Hindu marriage?

**Dr. G. V. Deshmukh:** I have very little time and if I can, I would like to finish it today, but if my Honourable friend, Mr. Baijnath Bajoria, keeps on interrupting me I will have to carry on.

Sir, this point has been raised by certain non-Hindus and those sections of Hindus who have given up the Hindu fold—I am talking about Arya Samajists and Brahmo Samajists; I have nothing but respect for them; I am all for liberty of opinion. You must have seen that I voted for the motion with regard to the Satyarath Prakasha. After you declared from the Chair that it was a question of the application of the Defence of India Act. I thought here was an opportunity that I should give my opinion that we shall not go back to the dark middle

[Dr. G. V. Deshmukh.]

ages, that we must have liberty of opinion, liberty of press and liberty of printing our opinions in whatever way we like. Otherwise progress is impossible.

If I detach myself from the Hindu community and make things easier for myself it will not be creditable to me. Why? Any third-rate man can do that; you need not tell him that. I want to dig my toes in the Hindu Society and I want to see that Hindu Society is improved. And what is of still greater advantage to me is this: that in trying to improve the Hindu society I need not have any innovations. Those who know the Hindu law only by proceedings in the courts may perhaps be amazed at my assertion, but I do say that if you want to renovate and purify the Hindu law you need not go to any modern legislature for that, you need not go to any other society for bringing the Hindu law in conformity with the circumstances of the society today, or the society in conformity with individual progress.

**Mr. M. Ghiasuddin** (Punjab: Landholders): What are the practical disabilities of a person who marries under the Civil Marriage Act? I want to be educated on that point.

**Dr. G. V. Deshmukh:** My Honourable friend, Mr. Sri Prakasha, I think, told you that to a certain extent. When he gave his individual instance he said 'I do not want to break myself away from the Hindu joint family; I don't want the Hindu joint family to be broken up; I want to have my daughter-in-laws according to my choice'. The greatest disadvantage is that you are supposed to have ceased to be a member of the joint Hindu family.

**Mr. Hooseinbhoy A. Lalljee:** It is very very bad.

**Dr. G. V. Deshmukh:** I do not say that the joint Hindu family is a live thing today, it exists on paper,—it exists for evading income-tax!

**The Honourable Sir Asoka Roy:** Are you 'joint' with your brother?

**Dr. G. V. Deshmukh:** We are both joint and otherwise. We have arranged in such a way that we conform to the modern society.

**An Honourable Member:** What about income-tax?

**Dr. G. V. Deshmukh:** I am not backward in that respect. We have modified the Hindu Law without going to any other law.

Sir, when they say 'why don't you marry under the Civil Marriage Act', I say I refuse to do so. Personally I think how often I may change in my opinion, I do not see how I can cease to be a Hindu. I am born a Hindu, and one of the tenets of Hinduism is that you are born. You must be born a Hindu. I do not see how human beings can change what is created by God. When these priests come forward and say he is a convert, he has gone over to the other religion, all I can say is that they do not understand the grand principles of Hindu religion. If I am born a Hindu how can a priest's water or recitation of *Mantras* turn me into some thing else, into a race horse? How any human agency can change me into anything else? Therefore I am not going to give up my hereditary heritage. The less we hear of this silly talk of 'go and marry under the Civil Marriage Act' the better for all concerned. My duty is that I should see that Hindu society is reformed and that it is brought in conformity with the changing environments of the time. This is what I think I owe to myself and to the society to which I have the proud privilege to belong.

**Mr. President** (The Honourable Sir Abdur Rahim): Has the Honourable Member concluded his speech?

**Dr. G. V. Deshmukh:** I have many more things to talk about. The Hindu society is such a very big thing.

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech on the next day allotted for Bills. The House stands adjourned till Monday, 11 A.M.

The Assembly then adjourned till Eleven of the Clock on Monday, the 13th November, 1944.