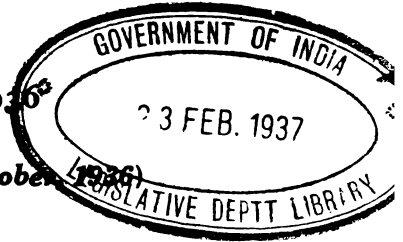


9th October 1936

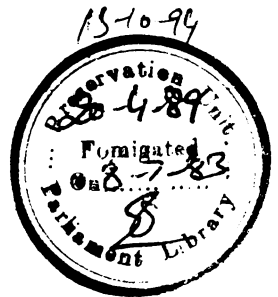
THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume IX, 1936

(9th October to 16th October 1936)



FOURTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1936



NEW DELHI
GOVERNMENT OF INDIA PRESS
1937

Legislative Assembly.

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THE HONOURABLE SIE ABDUR RAHIM, K.C.S.I., KT.

Deputy President :

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Committee on Petitions :

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MAULVI SYED MURTUZA SAHIB BAHADUR, M.L.A.

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

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LEGISLATIVE ASSEMBLY.

Friday, 9th October, 1936.

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

QUESTIONS AND ANSWERS.

CATTLE BYRES IN NEW DELHI.

925. *Prof. N. G. Ranga : (a) Will Government please state whether the Health Officer, New Delhi, issued notices last season to Government employees to remove their cows and buffaloes from their compounds ?

(b) Will Government please state whether they are aware that the New Delhi Municipal Committee have built cattle byres at inconvenient centres to house the cattle of Government servants ?

(c) Are Government aware that these cattle byres are given to contractors ?

(d) Are Government aware that these contractors sublet the byres to *gowlas*, with the consequence that Government servants do not get a suitable byre for their cattle ?

(e) Are Government aware that these cattle byres are never kept clean ?

(f) Will Government please state whether they are prepared to allow the ministerial establishment (migratory staff) to keep their cattle in their own compounds under strict sanitary conditions ?

Sir Girja Shankar Bajpai : The information has been called for and will be furnished to the House on receipt.

RETIRING PENSION FOR RECORD SORTERS AND DUFFRIES.

926. *Prof. N. G. Ranga : (a) Is it a fact that under the new rules recently published, the record sorters and duffries are allowed retiring pension on attaining the age of 60 years or after a service of 40 years ?

(b) Are Government aware that this rule prevents the earlier entry into service of some of the unemployed in the country, and do Government propose to revise the rules to allow retiring pension on attaining 50 years of age or 25 years' service, as is the case in other services ? If not, why not ?

The Honourable Sir James Grigg : (a) Record sorters and duffries are granted retiring pension after a qualifying service of 40 years and uperannuation pension on attaining the age of 60 years.

(b) The rules were revised after elaborate consideration and the Government of India do not find any justification for altering them further in the sense proposed. I may add for the information of the Honourable Member that his presumption that retiring pension in other services is granted on attaining 50 years of age or 25 years of service is not correct for subordinate services.

GRANT OF HOUSE RENT TO DUFFRIES AT SIMLA.

927. *Prof. N. G. Ranga : (a) Is it a fact that clerks employed in the Government of India Secretariat offices are provided with Government quarters at Simla, or are allowed Simla House Rent allowance at rates ranging above Rs. 200 a year ?

(b) Is it a fact that in Simla house rents are very high and are payable on annual basis and not on monthly basis ?

(c) Is it a fact that no Government quarters have been built for duffries at Simla and that they are given only Rs. 2 per month as house rent ?

(d) Are Government prepared to consider the desirability of allowing a house rent of Rs. 100 per annum to duffries residing at Simla ? If not, why not ?

The Honourable Sir Henry Craik : (a) Yes, old entrants only. New entrants are allotted Government quarters, if available, for which they pay rent. If no quarters are available, they are granted house-rent allowance at monthly rates as laid down in the Home Department Office Memorandum No. F. 246/1/32-Ests. (S.), dated the 21st May, 1934, a copy of which is laid on the table.

(b) Yes.

(c) There are no quarters specifically reserved for duffries, but there are quarters in Simla which are allotted to inferior servants including duffries. Those for whom no quarters are available are given Rs. 2 per mensem as a house rent allowance.

(d) No. The Simla house-rent allowance for all inferior servants was increased from Re. 1 to Rs. 2 per mensem as recently as 1935 and there are no special circumstances justifying a further increase now. I may add for the information of the Honourable Member that duffries get a local allowance ranging from Rs. 3/4/0 to Rs. 4/8/0 a month all the year round, and those who do not bring their families to Simla are granted family visiting allowance.

(To be substituted for the Office Memorandum bearing the same number and date.)

No. F. 246/1/32-Ests. (S.).

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

Simla, the 21st May, 1934.

OFFICE MEMORANDUM.

SUBJECT :—Revised rates of allowances for new entrants to superior posts in the Government of India Secretariat and the attached and subordinate offices.

The undersigned is directed to state that the Governor General in Council has sanctioned the following scales of allowances for new entrants to superior posts paid

from the civil estimates in the Government of India Secretariat and the attached and subordinate offices. These orders will apply to the categories of persons mentioned in rule 3 of the Revised Rates of Pay Rules promulgated with the Home Department Notification No. F. 386/33-Esta., dated the 22nd September, 1933, and will have effect from the commencement of the Simla season 1934; provided that in the case of persons (other than those re-employed after a break in their service which occurs or has occurred during the Simla season, 1934) who are at present entitled to free quarters or house-rent allowance under the Simla Allowances Code, the orders will not take effect until the commencement of the Delhi season, 1934-35.

(a) *Compensatory Allowance*.—For Government servants residing with their families.

Class.	Pay per mensem.				Allowance per mensem.	
	Rs.				Rs.	
Class I	Below 100	10
Class II	100—199	15
Class III..	200—299	20
Class IV	300—400	25
Class V	over 400	30

To Government servants not residing with their families half the above rates will be granted.

This allowance will be admissible only during the Simla season to all employees (whether employed in a permanent or other capacity) of offices which move between Simla and Delhi. It will not be admissible to the establishment of any office the headquarters of which are Simla, but any members of migratory offices who are required to remain in Simla during the whole or part of the winter will be granted the allowance for such periods as well as during the summer.

(b) *House-rent Allowance*.—Rent will be charged under the ordinary rules for all Government quarters allotted either in Delhi or Simla. All members (whether married or single, and employed in a permanent or other capacity) of the superior establishment of migratory offices below the rank of Assistant Secretary, who apply for but are not provided with Government quarters, will be granted a house-rent allowance at the following rates which, except where otherwise stated will apply to both Delhi and Simla:

Class.	Pay per mensem.				Allowance per mensem.	
	Rs.				Rs.	
Class I	Below 100	(10 in Delhi). (15 in Simla).
Class II	100—199	15*
Class III..	200—299	20
Class IV	300—400	25
Class V	over 400	30

The allowance admissible for the Simla season may at the discretion of the head of the Department or office concerned be paid in advance—

(a) in a lump sum at the commencement of the Simla season, or

(b) in two instalments—one at the commencement of the Simla season and the other on any date after the 15th of July which may be convenient to the Department or office;

Provided that in the case of a person who does not hold substantively a permanent post in any of the migratory offices, it shall be paid monthly at the end of each month.

(The allowance being a monthly allowance, the amount payable in advance in one or two instalments will be the amount due for the actual days of April included in a particular Simla season plus that admissible for May to September inclusive; the allowance for the actual days of October included in a particular season will be calculated and paid at the end of that season.)

NOTE.—The Simla season for the purposes of (a) and (b) above will be as defined in Note I to Rule 19 of the Simla Allowances Code.

(c) *Simla Winter Allowance*.—In addition to any allowances to which they may be entitled under the preceding clauses, Government servants who are required to remain in Simla during the whole or part of the winter months (November to March inclusive) will be granted a winter allowance at the following rates :

Class.	Pay per mensem.	Allowance per mensem.
	Rs.	Rs.
Class I ..	Below 100	20
Class II ..	100—199	25
Class III ..	200—299	30

Provided that—

- (1) unmarried Government servants, or Government servants not residing with their families, will draw this allowance at a flat rate of Rs. 20 per mensem, and
- (2) pay *plus* winter allowance should in no case exceed Rs. 300.

This allowance will be admissible both to the establishment of offices of which the headquarters are Simla and to members of migratory offices who are required to remain in Simla during the winter.

(d) *Delhi Conveyance Allowance*.—So long as there is not sufficient Government accommodation in New Delhi, this allowance should continue for new entrants at the existing rates and subject to the existing conditions.

2. Except to the extent to which they are superseded by these orders, the provisions of the Simla Allowances Code will continue to apply to new entrants.

Offg. Joint Secretary to the Government of India.

To

All Departments of the Government of India ; the Director, Intelligence Bureau ; the Director of Public Information ; the Public Service Commission ; the Private Secretary to His Excellency the Viceroy and the Military Secretary to His Excellency the Viceroy.

COMPULSORY RETIREMENT OF GOVERNMENT SERVANTS AFTER TWENTY-FIVE YEARS OF SERVICE.

928. *Prof. N. G. Ranga : Will Government be pleased to state :

- (a) the number of years of service allowed to be put in by Government servants, above the ranks of clerks, and at what age are such Government servants compulsorily liable to retire on pension ;
- (b) whether they have considered the advisability of making such servants retire earlier, *i.e.*, after putting in a maximum service of twenty-five years, irrespective of their age in order to provide more employment for the unemployed and lessen the cost of the services ; and
- (c) if not, whether they are prepared to consider the suggestion ?

The Honourable Sir James Grigg : (a) I would invite the attention of the Honourable Member to Articles 465 and 465-A of the Civil Service Regulations and Rule 56 of the Fundamental Rules.

(b) and (c). No.

AGE LIMIT FOR GOVERNMENT SERVANTS FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

929 ***Sardar Mangal Singh** : (a) Is it a fact that up to last year, Government servants were allowed to compete for the Indian Audit and Accounts Service Examination up to 30 years of age ?

(b) Is it a fact that from this year this rule has been withdrawn and that now the maximum age limit of 25 years ordinarily applies in the case of Government servants also ?

(c) Are Government aware that the withdrawal of 30 years' age limit in the case of Government servants has caused hardship to Government servants generally ?

(d) Is it a fact that as a matter of general principle Government do not apply their new rules or orders which involve adverse effect or withdrawal of an existing concession to those Government servants who are in service from before the date of the promulgation of such rules or the issue of such orders ?

(e) Is it a fact that the Revised Rates of Pay Rules, Revised Leave Rules, etc., apply only to persons entering Government service after a certain date ?

(f) Are Government prepared to consider the desirability of keeping the former age limit, i.e., 30 years, for competitive examination of the Indian Audit and Accounts Service in the case of those Government servants who were in service before the orders withdrawing the 30 years' age limit were issued ? If not, why not ?

The Honourable Sir James Grigg : (a) Yes.

(b) The maximum age limit for Government servants is now 28 years.

(c) No.

(d) The principle does not apply to this case. In the preamble to the rules regulating the examination for admission of candidates to the Indian Audit and Accounts Service, Government has explicitly reserved the right to alter the rules from year to year.

(e) Yes.

(f) Government do not propose to tie their hands in the manner suggested.

WAGONS PAINTED BLACK BY THE EAST INDIAN RAILWAY.

930. ***Mr. Kuladhar Chaliha** : Will Government be pleased to state the total number of wagons painted black by the East Indian Railway, mentioning the respective quantities of Muraco Black and Messrs. Jenson & Nicholson's three per cent. carbon black paint used for the painting of the wagons during the years 1934-35 and 1935-36, respectively ?

The Honourable Sir Muhammad Zafrullah Khan : The information is not available.

TEST OF SAMPLES OF READYMIXED RED OXIDE PAINTS SUBMITTED BY CERTAIN FIRMS.

931. ***Mr. Kuladhar Chaliha :** (a) Is it a fact that Messrs. Jenson & Nicholson & Messrs. Shalimar Paint Works submitted, as required under conditions of the tender, samples against supplementary tender No. M-7344 to the Government Test House for test ?

(b) Is it a fact that the Government Test House could not determine whether the samples referred to contained any varnish, stand-oil or like mediums ?

(c) If the reply to part (b) be in the negative, will Government be pleased to state the percentage of varnish, stand-oil or such mediums detected in the said samples of Readymixed Red Oxide Paint ?

(d) When were the same detected ?

(e) Will Government be pleased to lay a copy of the test-report on the table of this House ? If not, why not ?

The Honourable Sir Frank Noyce : With your permission, Sir, I propose to reply to questions Nos. 931 and 932 together.

Information has been called for and replies will be placed on the table of the House in due course.

DETERMINATION OF THE QUALITY OF PAINTS, VARNISHES AND ENAMELS, ETC.

+932. ***Mr. Kuladhar Chaliha :** (a) Will Government be pleased to state if the presence of same analytical figures on the chemical examination of the sample would indicate or disclose a uniformity or similarity in the quality of paints, varnishes, enamels, bituminous solutions, etc. ?

(b) Will Government be pleased to state if the durability of paints, varnishes, enamels, bituminous solutions, etc., are determined on the general principles indicated above ? If not, will Government be pleased to state the method or manner in which the quality is determined ?

TERMINATION OF THE OPIUM TRAFFIC IN INDIA.

933. ***Mr. Kuladhar Chaliha :** Will Government please state :

(a) the total income which they derived from the sale of provision opium in China and Far Eastern Countries during the following periods :

1901—31,
1910-11,
1930-31, and
1934-35 ;

(b) the total income derived from the sale of excise opium in India in the following years :

1930-31,
1931-32,
1932-33,
1933-34, and
1934-35 ;

For answer to this question, see answer to question No. 931.

- (c) whether the income derived from the sale of excise opium in India is appropriated by the Government of India towards their revenue, or distributed to the different provinces of India ;
- (d) the terms of the agreement which they entered with the League of Nations for terminating the internal opium traffic in India ; and
- (e) whether they have considered the desirability of terminating the opium traffic in India for the moral welfare of the people ?

The Honourable Sir James Grigg : (a) and (b). A statement is laid on the table. The collection of information showing the revenue derived from the sale of provision opium to China and Far Eastern countries during the period 1901—31 would involve great labour which would not be commensurate with the value of the result obtained.

(c) In the Governor's Provinces and Coorg the revenue derived from the sale of excise opium is Provincial and in other minor Provinces, it is Central.

(d) The Government of India have not entered into any agreement with the League of Nations for terminating the internal opium trade in India.

(e) This is a matter primarily for the Provincial Governments to consider.

- (a) *Statement showing the total revenue derived from the sale of provision opium to China and Far Eastern countries during 1910-11, 1930-31 and 1934-35.*

	Rs.
1910-11	10,88,14,416
1930-31	1,78,28,247
1934-35	26,20,000

NOTE.—The figures for the year 1910-11 represent revenue from exports of provision opium to all countries and figures for 1930-31 and 1934-35 represent revenue from exports of provision opium to Far Eastern countries only. No opium has been exported to China since 1914-15.

- (b) *Statement showing the total net revenue derived from the sale of excise opium in British India (excluding the cost of opium) during 1930-31 to 1934-35.*

	Central Areas.	Provinces.	Total.
	Rs.	Rs.	Rs.
1930-31	4,96,637	2,49,06,479	2,54,03,116
1931-32	7,67,050	2,33,31,395	2,40,98,445
1932-33	4,22,089	2,22,71,930	2,26,94,019
1933-34	4,22,514	2,13,80,170	2,18,02,684
1934-35	4,25,592	2,12,64,002	2,16,89,594

Mr. Kuladhar Chaliha : Will the Honourable Member inform us whether there is any probability of terminating poppy cultivation within a certain period at Ghazipur ?

The Honourable Sir James Grigg : No, Sir ; I gather that the policy of the Government of India is to limit the cultivation to internal needs

and to prohibit export in course of time, but not to terminate poppy cultivation altogether.

Mr. Kuladhar Chaliha : May I know if the Government of India have any idea at all to terminate poppy cultivation in the course of fifteen years ?

The Honourable Sir James Grigg : The internal policy of the Government of India has been and still is one of non-interference with the moderate use of raw opium.

Pandit Lakshmi Kanta Maitra : May I know if the Honourable Member is in a position to give us some data to show that the Government of India is adopting a progressive policy of reduction in regard to the internal consumption of opium ?

The Honourable Sir James Grigg : That is a different question. If the Honourable Member will put it down, I will try to answer it.

REMOVAL OF INCOME-TAX OFFICE FROM HAZARIBAGH TO RANCHI.

934. ***Mr. Ram Narayan Singh :** Will Government be pleased to state :

- (a) the difference between the Government's present expenditure towards the payment of travelling allowances to the income-tax officer of the Hazaribagh District and that when the income-tax office was located at Hazaribagh ;
- (b) the difference between the present house rent to be paid by them for income-tax office at Ranchi and that when the office was at Hazaribagh ; and
- (c) all the advantages or disadvantages either in terms of money or in matters of administrative facilities accrued to them by removal of income-tax office from Hazaribagh to Ranchi ?

The Honourable Sir James Grigg : (a) The Income-tax office located at Hazaribagh had for its jurisdiction the whole of the districts of Hazaribagh and Palamau. The office now located at Ranchi has for its jurisdiction the Sadar and Chatra sub-divisions of the district of Hazaribagh, the Sadar sub-division of the district of Manbhum and the district of Ranchi minus Ranchi town. Formerly when there was an office at Hazaribagh, the Sadar sub-division of the district of Manbhum with the district of Ranchi formed a separate circle with its headquarters at Ranchi.

The expenditure of the defunct Hazaribagh circle under the head travelling allowance for the year 1935-36 was about Rs. 2,500. The expenditure under the same head and for the same period of the office of the defunct Ranchi-Manbhum Sadar circle was Rs. 1,775. It is estimated that the total expenditure under the head ' Travelling allowance ' for the new circle will be about Rs. 3,000.

(b) The rent of the office building at Hazaribagh was Rs. 45 per mensem. No separate house has been engaged for the South Hazaribagh-Manbhum Sadar circle at Ranchi. It is accommodated in the building in which the Ranchi-Manbhum Sadar and Salaries Circles were located. No extra expenditure is incurred on this account.

(c) A re-distribution of circles in the Provinces of Bihar and Orissa was made at the beginning of 1936-37 to fit in with the sanctioned strength of Income-tax Officers. It was made both in the interests of economy and for administrative convenience.

Mr. Ram Narayan Singh : Is there any likelihood of the Income-tax office being removed from Ranchi to Hazaribagh ?

The Honourable Sir James Grigg : I think there is a question about that which comes up next, and I will answer it then.

REMOVAL OF INCOME-TAX OFFICE FROM HAZARIBAGH TO RANCHI.

935. ***Mr. Ram Narayan Singh :** (a) In effecting any administrative changes, do Government consider also the conveniences of the general public and, if so, in removing the income-tax office from Hazaribagh to Ranchi, did Government consider the conveniences or inconveniences of the income-tax payees of the Hazaribagh district, and, if so, how, in what manner and to what extent ?

(b) Are Government aware of the discontent and indignation prevailing among the income-tax assesseees of Hazaribagh owing to the recent removal of the income-tax office from Hazaribagh to Ranchi, and, if so, are Government prepared to reconsider the question and again transfer the income-tax office from Ranchi to Hazaribagh ?

The Honourable Sir James Grigg : (a) Yes. In removing the Income-tax Office from Hazaribagh to Ranchi, Government considered the convenience of the majority of the assesseees of the South Hazaribagh-Manbhum Circle and not the convenience of the income-tax payers of the Hazaribagh district alone. They selected Ranchi as the headquarters of the combined Circle because it is situated between, and readily accessible from, the two parts of the Circle.

(b) The answer to the first part is in the negative. Government do not propose to reconsider the question of the location of this office.

REMOVAL OF INCOME-TAX OFFICE FROM HAZARIBAGH TO RANCHI.

936. ***Mr. Ram Narayan Singh :** (a) Are Government aware of the facts :

- (i) that in the months of April and May last, the Assistant Commissioner of Income-tax had, for want of an office at Hazaribagh, to hold his office at Kodarma some 42 miles from Hazaribagh ;
- (ii) that income-tax payees who had to attend the office of the income-tax Assistant Commissioner, had to take pleaders from Hazaribagh to Kodarma and were thus put to great hardships of various kinds by way of incurring greater expenditure and meeting with many other difficulties ; and
- (iii) that this conduct of the Assistant Commissioner is not in keeping with the assurances given by Government while replying to the starred question No. 1488 on the 8th April, 1936 ?

(b) Will Government be pleased to state the number of cases of the Hazaribagh assesses disposed of by the income-tax officer at Hazaribagh from the time of removal of the income-tax office from Hazaribagh ?

The Honourable Sir James Grigg : (a) (i). The Assistant Commissioner of Income-tax, Southern Range, Bihar and Orissa, heard some appeals at Kodarma in the month of April, 1936, not for want of office accommodation at Hazaribagh but particularly with a view to suit the convenience of the appellants concerned who belonged to places in the interior of Hazaribagh district situated at a distance from the headquarters town.

(ii) and (iii). In some cases the appellants took pleaders from Hazaribagh to Kodarma but the convenience that the practice of hearing appeals at stations nearer to their places of residence gives to many of the appellants outweighs the inconvenience caused to a few of them. It was on the whole in the interest of appellants that the appeals relating to places such as Chatra, Giridih and Suriya were heard at Kodarma.

(b) 137 assessment cases of South Hazaribagh have been disposed of by the Income-tax Officer in this year. Out of these 78 cases related to the Hazaribagh town, all of which were disposed of at Hazaribagh.

Mr. Mohan Lal Saksena : Are any lawyers available locally at Kodarma ?

The Honourable Sir James Grigg : If the Honourable Member will not misunderstand me, I hope not.

Mr. Ram Narayan Singh : Is it not inconvenient to income-tax assesses whose cases are to be heard at Kodarma to take lawyers from Giridih, Chatra and Hazaribagh ?

The Honourable Sir James Grigg : I think it would be much better if the appellants relied on the Income-tax officers themselves and did not bother about taking lawyers.

Mr. Mohan Lal Saksena : Am I to understand that the hearings were fixed at Kodarma so that the appellants may not take lawyers with them and may rely on the income-tax officers ?

The Honourable Sir James Grigg : The Honourable Member must not take me too seriously.

Mr. Ram Narayan Singh : Is the Honourable Member aware that assesses do require lawyers to plead for them in the Courts of these Income-tax officers ?

The Honourable Sir James Grigg : With some experience of Income-tax law and practice, I believe that not to be quite accurate.

PLACING OF EACH DISTRICT IN THE CHARGE OF ONE INCOME-TAX OFFICER.

937. ***Mr. Ram Narayan Singh :** (a) Will Government be pleased to state the reasons why two or more districts are combined under one income-tax office such as Patna-Shahabad, Hazaribagh-Ranchi, but each of these districts is really placed in independent charge of one income-tax officer ?

(b) Are Government prepared to consider the suggestion that in place of the arrangement mentioned in (a), each important district is

placed in charge of one independent income-tax officer with his head-quarter or office in the chief town of the district under him ?

The Honourable Sir James Grigg : (a) Some of the districts of Bihar contain too small a number of assesseees to be constituted into independent charges. They have therefore to be added on to other districts or parts of districts so that each of the combined areas thus formed may contain an adequate number of assesseees for one Income-tax Circle. It is not correct to say that in any such case, each of the component districts or parts of districts is placed in the independent charge of one Income-tax Officer.

(b) In view of the reply to (a), the Government are not prepared to reconsider the arrangements made.

ALLEGATIONS AGAINST THE MAGISTERIAL CHECKING AT SAMASTIPUR STATION ON THE BENGAL AND NORTH WESTERN RAILWAY.

938. ***Mr. Satya Narayan Sinha :** (a) Has the attention of Government been drawn to the allegations against the magisterial checking at Samastipur Railway Station, Bengal and North Western Railway, which appeared in the *Searchlight* in its issues of 29th July, 1936 ?

(b) Will Government be pleased to state the number of passengers arrested by means of magisterial checking on the said Railway, since the system has been introduced there ?

(c) Will Government be pleased to state if the said Bengal and North Western Railway make any arrangement for food and drink of the passengers arrested for the said purpose during the period of their detention ?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state what amount the said Railway has spent so far on the passengers arrested ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, by the Honourable Member's question.

(b) 6,670.

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

Pandit Lakshmi Kanta Maitra : Has this checking been done by the Railway Magistrate ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir ; the checking was done by the railway staff.

Mr. N. M. Joshi : What is exactly the meaning of the expression 'magisterial checking' ? What happens ? Does the Magistrate go there and stand in the carriage when the checking proceeds.

The Honourable Sir Muhammad Zafrullah Khan : That is the expression used in the question, not in my reply. The checking was a surprise check carried out, I understand, by the railway checking staff and the people who were discovered travelling without tickets or passes were immediately placed before the Magistrates.

Qazi Muhammad Ahmad Kazmi : Was it under the orders of some Magistrate ?

The Honourable Sir Muhammad Zafrullah Khan : A Magistrate has no business to order it.

Pandit Lakshmi Kanta Maitra : Is it a fact that the services of a magistrate were requisitioned first and in his presence this checking was done ?

The Honourable Sir Muhammad Zafrullah Khan : That may be, but I would require notice of the question.

Mr. Ram Narayan Singh : We always hear a lot of complaints against the Bengal and North Western Railway ? Is there anything peculiar to this railway ?

The Honourable Sir Muhammad Zafrullah Khan : I do not know whether this is a complaint against this particular railway.

Pandit Lakshmi Kanta Maitra : May I know whether this Magistrate in whose presence these people were placed for trial was a District Magistrate or a Sub-Divisional Magistrate or a Deputy Magistrate ?

The Honourable Sir Muhammad Zafrullah Khan : From the question I do not understand that it was either a District Magistrate or a Sub-Divisional Magistrate.

Pandit Lakshmi Kanta Maitra : On receipt of this question did the Honourable Member make enquiries whether this checking was done at the instance of a Magistrate whose services were requisitioned by the particular railway administration or this checking was done at the initiative of the magistrate himself who himself proceeded to the spot ?

The Honourable Sir Muhammad Zafrullah Khan : I have no reason to assume that any checking on the railways is done at the instance of any particular magistrate.

Pandit Lakshmi Kanta Maitra : I wanted to know whether in this case the checking was done, the checking which is characterised as a magisterial checking was done at the instance of the magistrate himself. Did the Honourable Member enquire about this ?

The Honourable Sir Muhammad Zafrullah Khan : I made no enquiry as I had no reason to assume that any checking would be carried out at the instance of any magistrate. It has been characterised as a magisterial checking by the Honourable Member who put down the question, not by the railway department.

Pandit Lakshmi Kanta Maitra : Assuming that it is an allegation, did the Honourable Member enquire into its accuracy or otherwise ?

The Honourable Sir Muhammad Zafrullah Khan : What is the allegation ?

Pandit Lakshmi Kanta Maitra : Assuming that it is an allegation by the questioner that it was a magisterial checking.

The Honourable Sir Muhammad Zafrullah Khan : There is no allegation to that effect in the question itself.

Pandit Lakshmi Kanta Maitra : Then what did the Honourable Member mean by the expression 'magisterial checking' ?

The Honourable Sir Muhammad Zafrullah Khan : I meant nothing by that expression. I enquired whether there was a special checking of that kind in which people were discovered travelling without tickets.

READYMIXED RED OXIDE PAINT PURCHASED BY THE NORTH WESTERN RAILWAY.

939. *Pandit Lakshmi Kanta Maitra : (a) Is it a fact that the North Western Railway has always purchased Gulf Red Paint to Indian Stores Department, Specification No. G. P.-73 in stiff form only, and made their own Readymixed by adding oils, turpentine, dryers and varnish "Gold Size", etc. ?

(b) Will Government be pleased to state the reasons why the North Western Railway is taking stiff paint when Readymixed is available at cheaper price ?

(c) Will Government be pleased to state the cost per gallon of the Readymixed Red Oxide Paint made of Stiff Paint purchased by the North Western Railway against the supplementary tender No. M-7344 ?

(d) Will Government be pleased to state the reasons why the North Western Railway is still taking Stiff Red Oxide Paint when Readymixed Paint is available at a cheaper price ?

(e) Will Government be pleased to state the covering capacity in square feet per gallon in one coat of the Readymixed Red Oxide Paint made of Stiff Red Oxide Paint purchased by the North Western Railway against supplementary tender No. M-7344 ?

(f) Will Government be pleased to state the covering capacity in square feet per gallon in one coat of the Readymixed Red Oxide Paint purchased by Railways other than the North Western Railway against supplementary tender No. M-7344 ?

(g) Is it a fact that the Bombay, Baroda and Central India Railway has always purchased Red Oxide Paint in stiff form only, and made their own Readymixed by adding oils, turpentine, dryers, varnish, "Gold size", etc. ?

(h) Will Government be pleased to state the cost per gallon of the Readymixed Red Oxide Paint made of stiff paint purchased by the Bombay, Baroda and Central India Railway during 1935-36 ?

The Honourable Sir Muhammad Zafrullah Khan : Information is being called for and a statement will be laid on the table of the House in due course.

Pandit Lakshmi Kanta Maitra : Notice of this question was given more than six weeks ago and the information to be collected is either from Simla or Delhi. May I know why the information could not be available so long ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. The Honourable Member knows, and I am sure that it is the experience of the House, that no undue delay takes place in submitting information to the House.

Mr. Mohan Lal Saksena : Similar questions were tabled much earlier by my Honourable friend, Mr. Amarendra Nath Chattopadhyaya ?

Mr. President (The Honourable Sir Abdur Rahim) : Will the Honourable Member look at the nature of the question and what sort of information is required.

Pandit Lakshmi Kanta Maitra : I should like to point out that the notice of the same question was given as early as July ; so far as my question is concerned, it was given in August. We are now in the middle of October and if in the short space of a session extending over five or six weeks we cannot get information, then we are helpless.

Mr. N. M. Joshi : The reply may have been prepared in July.

TENDERS FOR READYMIXED RED OXIDE PAINT REQUIRED FOR CERTAIN RAILWAYS.

940. ***Pandit Lakshmi Kanta Maitra :** (a) Is it a fact that in the supplementary tender No. M-7344, the following forecasts of requirements were given by the Indian Stores Department :

	Gallons.
For East Indian Railway	60,000
For Eastern Bengal Railway	25,000
For Great Indian Peninsula Railway	35,000

(b) Will Government be pleased to state if the paint intended to be purchased against the said supplementary tender was meant to be Ready Mixed ?

(c) Is it a fact that no indication was given in the said supplementary tender No. M-7344 of any requirements for the North Western Railway or the Madras and Southern Mahratta Railway ?

(d) Will Government be pleased to state if in spite of those facts the Indian Stores Department purchased against supplementary tender No. M-7344 *Stiff* Red Oxide Paints for the North Western Railway, and *Mixed* Paints for the Madras and Southern Mahratta Railway ?

(e) Will Government be pleased to state the reasons for not calling fresh tenders for the additional requirements of a considerably large quantity of Red Oxide *Stiff* for the North Western Railway and Red Oxide Readymixed for the Madras and Southern Mahratta Railway ?

(f) Do Government propose to enquire into the matter and to lay a copy of the report of such enquiry on the table of this House ? If not, why not ?

The Honourable Sir Frank Noyce : Information has been called for and a reply will be placed on the table of the House in due course.

Pandit Lakshmi Kanta Maitra : When can we get that information ?

The Honourable Sir Frank Noyce : Very detailed information has been asked on this subject in a long series of questions, not all from the Honourable Member. I think there are about 20 or 30 questions

on the subject. Detailed information has to be collected from a number of offices. All I can do is to promise that I will obtain it as quickly as possible. I cannot say more than that.

Mr. Mohan Lal Saksena : Is this information not available in the Indian Stores Department ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member says he has called for information as a matter of fact.

Pandit Lakshmi Kanta Maitra : I am thankful to the Honourable Member for the promise that he will lay a reply on the table of the House. I can assure him that I have very high respect for him. May I at least have some idea as to when we can get this information. After all from the nature of the questions the Honourable Member must have noticed that this is a matter in which an Indian concern is deeply interested and as such we want the information as early as possible.

The Honourable Sir Frank Noyce : I am sorry that I cannot give the Honourable Member any more detailed information that I have given. I will do my very best to get information as soon as possible.

TESTING OF READYMIXED BLACK PAINT.

941. *Pandit Lakshmi Kanta Maitra : (a) With reference to the statement laid on the table on the 24th November, 1933, in reply to part (b) of starred question No. 1068, will Government be pleased to state whether as a general rule mixed paints are not tested, and if so, how the ready mixed black paint was tested by the Government Test House, *vide* certificate No. 721-C ?

(b) Will Government be pleased to state how the supplies of ready mixed paints other than those of Indian Stores Department specifications are tested, verified and passed as acceptable by the Indian Stores Department, if the mixed paints are not tested before they are accepted for inclusion in the Indian Stores Department Contracts ?

(c) Is it a fact that the composition of the pigment of Messrs. Jenson & Nicholson's three per cent. Carbon Black ready mixed black paint was similar to or compared favourably with the composition of the pigment of Messrs. Jenson & Nicholson's stiff or Moist Black paint supplied to the East Indian Railway only at Rs. 9-7-0 per hundredweight on Rate Contract basis against Indian Stores Department Tender No. O-4/M for 1932-33 ?

(d) With reference to the statement laid on the table on the 24th November, 1933, in reply to part (e) of starred question No. 1069 of 1st April, 1933, is it a fact that 25 gallons of Jenson and Nicholson's ready mixed black paint of their stiff or moist black paint at Rs. 9-7-0 per hundredweight covered 11 covered wagons equal to 7,019 square feet, whereas "Muraco Black" with the same quantity of 25 gallons covered 14 covered wagons and seven open sided wagons equal to 11,063 square feet ?

(e) Is it a fact that the East Indian Railway authorities, not being satisfied with the test results of Messrs. Jenson and Nicholson's Stiff or Moist Black Paint, which was similar to or compared favourably with

the composition of the pigment of their three per cent. Carbon Black ready mixed black paint at Rs. 3 per gallon, purchased for test 50 gallons of their ready mixed black paint in December, 1932, *vide* the statement laid on the table on the 20th April, 1934, in reply to parts (e), (f) and (h) to question No. 51, in the Council of State, and the area covered by these 50 gallons as per types of the wagons recorded (about 14,000 square feet costing A2 type—1,687 square feet Rs. 18-1-2 against Muraco Black Rs. 12-6-2) is not available ?

(f) Are Government aware that the East Indian Railway authorities for trial purpose purchased Messrs. Jenson & Nicholson's ready mixed black paint for test four times, but did not record the respective test results and commenced purchasing their untried ready mixed paint and never allowed such unusual facilities and preference to any Indian concern ? If not, do Government propose to enquire into the matter and lay a copy of the results of such inquiries on the table of the House ? If not, why not ?

(g) Is it a fact that the numbers of types of the wagons painted with the trial paint purchased for an endurance test in service are recorded, so that, after service trials in traffic, the wagons so painted could be traced and called for inspection whenever required and may not be lost sight of ?

(h) Is it a fact that each and every type of wagon is uni-equal and exactly the same in dimension and each type of wagon is of registered standard size such as type A2 in area is 1,687 square feet, type WHV in area is 1,634 square feet and so on ? If so, could the area of a wagon in square feet be easily specified by mentioning the number and type of the wagon ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I shall answer questions Nos. 941 and 942 together. The information is being collected and will be laid on the table of the House in due course.

REFUSAL BY THE EAST INDIAN RAILWAY TO ACCEPT BLACK PAINT OF A CERTAIN FIRM.

†942. ***Pandit Lakshmi Kanta Maitra :** (a) With reference to the reply given on the 20th April, 1934, to parts (l), (m) and (o) to question No. 51 of the 6th March, 1934, in the Council of State, will Government be pleased to state whether in July 1933 with 500 gallons of Messrs. Jenson & Nicholson's three per cent. Carbon Black ready mixed black paint, purchased against Indian Stores Department Rate Contract No. O/4/M for 1933-34 only 105 wagons of the following types in area equal to 141,510 square feet could be painted :

A1	c	22	wagons	..	..	wg	c	18	wagons
A2		8	"	..	..	whv	"	9	"
AX	"	2	"	..	..	MAS kd		10	"
SX	"	2	"	..	..	MMV ke		8	"
MGV	"	25	"	..	..	MV kd		1	"

and thus the painting of A2 type wagon of 1,687 square feet cost Rs. 17-14-1 against "Muraco Black" for Rs. 12-6-2 per wagon ?

†For answer to this question, see answer to question No. 941.

(b) Is it a fact that the Deputy Chief Mechanical Engineer, Lillooah, in his letter No. 1744/S. of 20th July, 1932, refused to take or use Murarka's any black paint? If so, will Government be pleased to state the reasons for such refusal?

(c) Is it a fact that the Controller of Stores, East Indian Railway in his letter No. SP/46/GB5/66/c of 27th July, 1932, pointed out to the Deputy Chief Mechanical Engineer, Lillooah, that Messrs. Jenson & Nicholson's black stiff paint had been certified by the Alipore Test House to contain about four per cent. Carbon Black, and if the East Indian Railway authorities refused to take Murarka's black paint on the score of being only three per cent. Carbon Black, Murarka's would have a very good case to put up?

(d) If the reply to part (c) be in the affirmative, is it a fact that after this letter the Deputy Chief Mechanical Engineer, Lillooah, refused to take Murarka's Black paint—a purely Indian manufacture of proved quality, and if so, why?

(e) If the reply to part (d) be in the affirmative, are Government prepared to issue circulars for reminding all departments concerned about their duty to support Indian manufactures of proved merit and economy?

RULES RELATING TO THE CONDITIONS OF SERVICE OF THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

943. ***Pandit Lakshmi Kanta Maitra** : (a) Will Government please state whether the ministerial staff employed in the Government of India Secretariat is under the administrative control of the Governor General in Council?

(b) Will Government please state the practice that is followed for notifying to the staff of the Government of India Secretariat the rules relating to their conditions of service?

(c) Is it a fact that the rules and orders issued by the Government of India remain in force unless and until they are specifically superseded by subsequent rules and orders?

The Honourable Sir Henry Craik : (a) Yes.

(b) The attention of the Honourable Member is invited to the reply given by me to parts (f) and (g) of Khan Sahib Nawab Siddique Ali Khan's starred question No. 16 on the 31st August, 1936.

(c) Not necessarily. Some orders are superseded by fresh orders; others are issued for a specific purpose or period. When the purpose is achieved or the period has expired, the orders automatically lapse.

SUPERNUMERARIES IN THE CADRE OF ASSISTANTS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

944. ***Khan Sahib Nawab Siddique Ali Khan** : Is it a fact that there is a large number of supernumeraries in the cadre of Assistants in the Posts and Telegraphs Directorate?

The Honourable Sir Frank Noyce : Yes.

GRANT OF EXTENSIONS TO SOME OF THE SUPERINTENDENTS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

945. *Khan Sahib Nawab Siddique Ali Khan : (a) Is it a fact that arrangements are being made to grant extension to some of the Superintendents in the Posts and Telegraphs Directorate after the age of 55 years, in spite of the presence of a large number of supernumeraries in the cadre of Assistants ?

(b) If the reply to part (a) be in the affirmative, do Government propose to discourage such extension ?

The Honourable Sir Frank Noyce : (a) In the case of ministerial officials, to which class Superintendents in the Posts and Telegraphs Directorate belong, their retention in service is permissible under the Fundamental Rules until they attain the age of sixty years so long as they continue to be efficient. No question of the grant of any extension of service as such is, therefore, involved and the question of the existence of a number of supernumeraries in the cadre of Assistants has no bearing on the question.

(b) Does not arise.

CLASSIFICATION OF DUTIES OF ASSISTANTS AND CLERKS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

946. *Khan Sahib Nawab Siddique Ali Khan : Will Government be pleased to refer to the undertaking given in the Legislative Assembly on the 31st August, 1934, in reply to starred question No. 974, and state whether duties of the three classes of officials, viz., assistants, second and third division clerks in the Posts and Telegraphs Directorate, have since been classified ? If not, why not, and what is the cause of such unusual delay ?

The Honourable Sir Frank Noyce : The answer to the first part of the question is in the negative. As regards the last part, some progress has been made with the classification but in view of the large number of supernumeraries in the assistants grade as well as in the second division there is no urgent need for the classification to be made.

DUTIES OF ASSISTANTS AND CLERKS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

947. *Khan Sahib Nawab Siddique Ali Khan : (a) Will Government be pleased to state what are the duties of assistants, second and third division clerks in the Posts and Telegraphs Directorate ?

(b) Are not assistants and clerks referred to in part (a) above borne on separate cadres carrying different scales of pay ?

(c) Are Government aware that some of the second and third division clerks in the Posts and Telegraphs Directorate are called upon to perform the work of assistants ? If so, why are they not remunerated by the grant of higher officiating pay ?

The Honourable Sir Frank Noyce : (a) Assistants in the office of the Director-General of Posts and Telegraphs deal with important

and difficult cases. Second division clerks are employed on dealing with less important cases while third division clerks are allotted only routine work such as typing.

(b) Yes.

(c) As regards the first part of the question, in view of the existence of numerous supernumerary assistants there can be no need for second and third division clerks to be called upon to do the work of assistants. The second part does not arise.

DUTIES OF SUPERINTENDENTS IN THE POSTS AND TELEGRAPHS DIRECTORATE.

948. *Khan Sahib Nawab Siddique Ali Khan : (a) Is it a fact that the sectional Superintendents of Secretariat and attached offices of the Government of India, except the Office of the Director General of Posts and Telegraphs, are required to pass all cases of assistants and clerks and to deal with important cases ?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state why the same practice is not followed in the Posts and Telegraphs Directorate, which is also an attached office of the Government of India ?

(c) Are Government aware that the majority of the Superintendents in the Posts and Telegraphs Directorate do nothing but mark letters in pencil to assistants and clerks ? If so, do Government propose to make the Superintendents of the Posts and Telegraphs Directorate follow the Superintendents of the Secretariat and other attached offices ?

The Honourable Sir Frank Noyce : (a) The practice in the Secretariat and the Attached Offices is generally as stated by the Honourable Member, but departures occur (a) at times of stress and (b) in offices where the size of the sections makes it impracticable for the Superintendents to pass all cases from assistants. Similar exceptions to the general rule are permitted in the Director-General's office.

(b) Does not arise.

(c) The facts are not as stated in the first part of the Honourable Member's question. The second part does not arise.

DEALING OF REPRESENTATIONS AND APPEALS OF STAFF IN THE POSTS AND TELEGRAPHS DIRECTORATE.

949. *Khan Sahib Nawab Siddique Ali Khan : (a) Is it a fact that appeals and representations from the staff of the Posts and Telegraphs Directorate are dealt with by the Chief Superintendent ?

(b) Are Government aware that many such representations and appeals as referred to in part (a) above are not allowed by the Chief Superintendent to be diarised to avoid as far as possible their submission to higher officers ?

(c) If the replies to parts (a) and (b) be in the affirmative, are Government prepared to make suitable arrangements so that the Chief Superintendent cannot suppress any such representations and appeals ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) and (c). The matter is within the competence of the Director-General to whom a copy of this question and reply has been sent for suitable action.

RAISING OF PUBLIC LOANS BY CERTAIN FOREIGN MUNICIPALITIES AND GOVERNMENTS.

950. *Haji Chaudhury Muhammad Ismail Khan : (a) Are Government aware that, with the object of raising public loans, etc., Bonds are issued and sold to the public at large by certain foreign municipalities and Governments who guarantee that the money thus raised will be repaid, with or without premiums, by means of drawings which will be held periodically ?

(b) Are Government also aware that fairly large sums of money are invested by the Indian public in purchasing these Bonds through certain foreign companies dealing in stocks and shares ?

(c) Are Government aware that Messrs. Melville Glyn & Co. and Messrs. Bartlett & Co., Geneva, carried on their business of selling these Bonds in this country for a considerable time, and afterwards went into liquidation ?

(d) If so, are Government aware that the Indian purchasers of these Bonds find themselves handicapped in seeing that the obligations of the above mentioned companies are actually performed, e.g. :

- (i) to see that the Bonds will take part in all succeeding drawings until their numbers have been drawn either with premiums or at the very least for their par value ;
- (ii) to check the drawings on behalf of their clients and notify them whenever their Bonds were drawn ;
- (iii) to send to their clients their bulletins containing results of drawings in which they were interested ;
- (iv) to collect and remit to them the proceeds of all sums drawn by their Bonds without any charge for commission ; and
- (v) to collect and remit to them the proceeds of any interest coupons which might be sent to them for collection less the cost of remitting only ?

(e) Are Government prepared to arrange through the High Commissioner for India or any other suitable agency to help these people, whenever they ask for it, in knowing their position with regard to these Bonds, or in collecting the interest or even the Bond money itself ?

(f) If not, are Government prepared to enquire about the names and the addresses of the authorities who have issued the City of Brussels Bond, 1905 (particularly sold in India on a large scale) so that further correspondence on the subject should be carried on with them ?

(g) Are Government in a position to explain for the information of the general public whether :

- (i) these foreign bodies raise the public loans for a specific amount and then go on repaying off the same by means of the drawings, either with or without premiums, so that the

whole debt is assured to be cleared off within a certain period ; and

- (ii) the Bonds are perpetually on sale without any time limit and the tickets representing these Bonds are drawn out along with those representing the old Bonds in which case there is a likelihood of a Bond never to draw itself out with or without profits ?

(h) Do Government propose to stop the outflow of Indian money by making provision in the forthcoming Indian Companies Bill which will place restrictions on the activities of the foreign companies dealing in such speculative business ?

The Honourable Sir Henry Craik : (a) to (g). Government do not recognise the sale of premium bonds in India issued by foreign Municipalities and Governments. On the other hand they regard them as lotteries, the sale and advertisement of which are illegal. Any persons in India carrying on business in these bonds are liable to prosecution under section 294-A of the Indian Penal Code. Government have no reason to believe that large sums of money are invested by the Indian public in purchasing these bonds. But if any member of the public invests money in them he clearly does so at his own risk and Government cannot tender any advice or render any assistance in the matter.

(h) No.

IMPROVEMENT OF THE KALKA-SIMLA RAILWAY SERVICE.

951. ***Mr. Sri Prakasa :** (a) What is the approximate average daily earning by the railway on the Kalka-Simla line by the booking of passengers ?

(b) What was the earning on the days that there was a motor strike in August ?

(c) In view of the difference, if any, what steps do Government intend to take to improve the railway service by supplying adequate and more comfortable accommodation as well as accelerating the speed of the trains ?

The Honourable Sir Muhammad Zafrullah Khan : (a) On the basis of a week's figures prior to the motor strike in August last, the average daily earnings from passenger traffic is Rs. 561.

(b) For the four days of this strike, the average earnings per day were Rs. 1,275.

(c) The passenger accommodation provided on the Kalka-Simla section is adequate for whatever traffic may be offering and is as comfortable as it is possible to make it having due regard to what is practicable in narrow gauge passenger stock. The speed of trains on this section is, in view of the curves and gradients, the fastest permissible for safe working.

Pandit Lakshmi Kanta Maitra : In view of the diversion of traffic to road motor, do Government propose to give greater facilities in order to capture this traffic ?

The Honourable Sir Muhammad Zafrullah Khan : Unless the Honourable Member specifies what kinds of facilities he has in mind, I cannot give an answer.

Pandit Lakshmi Kanta Maitra : Larger number of trains, greater speed, better facilities for carrying luggage and all that. I am only speaking in the interests of the railways.

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member might have listened to my reply to part (c) of the question.

Prof. N. G. Ranga : In view of the fact that the rail motor covers this distance in a much shorter period, will Government consider the view of accelerating the speed of steam trains on this line ?

The Honourable Sir Muhammad Zafrullah Khan : The Government's view has nothing to do with this matter. It is on expert advice that the speed of the trains is fixed and the expert advice being that this is the speed which is permissible, I am afraid Government cannot take the risk of acting in defiance of expert advice.

Prof. N. G. Ranga : The rail motor covers the distance in much shorter period.

The Honourable Sir Muhammad Zafrullah Khan : Because it is not a train.

Mr. Sri Prakasa : Are Government aware that these trains stop for inordinately long periods at some stations ? Could not those periods be curtailed in order that the distance may be covered in much shorter time.

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of any inordinate delay in the stoppage of trains ; but I will send the suggestion to the railway administration.

Pandit Lakshmi Kanta Maitra : It is really a matter whether the train can be permitted to run at a higher speed because there is a great difference between rail motor and railway train ?

The Honourable Sir Muhammad Zafrullah Khan : I hope the Honourable Member knows there is a difference between a rail motor and a train.

Pandit Lakshmi Kanta Maitra : Have Government applied their mind to the question of capturing the traffic which is being diverted to road motor ? If so, what steps do Government propose to take to see that the traffic is again captured by the railway ?

Mr. Sri Prakasa : Are Government aware that there is a very long stoppage at Tara Devi for police examination or some such thing, which is absolutely unnecessary ? Could not the railway administration see to it that this stoppage is not forced upon them by police authorities ?

The Honourable Sir Muhammad Zafrullah Khan : That is for the purpose of medical inspection and I do not think the stop could be curtailed.

WORKMEN'S TRAIN RUNNING FROM AND TO JAMALPUR ON THE EAST INDIAN RAILWAY.

952. ***Mr. Sri Prakasa :** (a) Has the attention of Government been drawn to the workmen's trains running from and to Jamalpur on the East Indian Railway ?

(b) Is it a fact that the compartments on these trains have no doors and that they are so overcrowded as to necessitate large numbers of persons sitting in the open doorway with their legs hanging outside the compartments ?

(c) Is it a fact that women and children also travel in such compartments ?

(d) Are Government prepared to issue order that these compartments be immediately fitted with proper doors ?

(e) Is it a fact that if any passenger, even inadvertently, boards this train, he has to pay double first class fares ?

The Honourable Sir Muhammad Zafrullah Khan (a) No.

(b) As a matter of convenience to the workmen themselves the compartments of these trains are without doors to facilitate entraining and detraining at points nearest to their villages.

The practice of sitting in the open doorways is due neither to overcrowding nor to the lack of doors. Some workmen are addicted to this habit.

(c) It is correct that unauthorised persons including the relatives of the workmen sometimes travel in these trains.

(d) No.

(e) Workmen's trains are provided for the exclusive use of *bona fide* workmen of the railway who possess special passes issued as authority for travelling in these trains. If an ordinary passenger boards the train without a ticket he becomes liable to the penalty which amounts to two first class fares.

Mr. Sri Prakasa : Has the Honourable Member assured himself that these men sit in the open doorways out of sheer habit or they do so really because there is overcrowding ?

The Honourable Sir Muhammad Zafrullah Khan : I have no reason to doubt the correctness of the information that has been supplied to me.

Mr. Sri Prakasa : Has the Honourable Member any reason to doubt the correctness of my own statement that these trains are overcrowded, because I have seen them myself ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir, but the Honourable Member's observation may have been at fault.

Pandit Lakshmi Kanta Maitra : What is the reason for Government not providing these trains with suitable doors ?

The Honourable Sir Muhammad Zafrullah Khan : The reason has been given by me in answer to the question.

Mr. Mohan Lal Saksena : Has the Honourable Member inquired about the number of workers who have to travel every day on this train ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. Mohan Lal Saksena : Will he inquire and find out ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. Sri Prakasa : For the sake of safety, will the Honourable Member oblige me and oblige those concerned by making a fresh inquiry on the subject because it is a fact,—he may take it from me,—that these men do not sit in the open doorways with a desire to commit suicide but because the trains are overcrowded ; and it is quite possible that the powers of observation of those whom he has trusted are more at fault than my own ?

The Honourable Sir Muhammad Zafrullah Khan : With regard to the officers who have supplied the information, the question does not depend upon powers of observation but upon their knowledge of the numbers expected to travel by these trains and the accommodation provided.

Mr. Mohan Lal Saksena : Will the Honourable Member find out the number of workers as well as the accommodation that is provided ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. I have said that I have no reason to doubt the correctness of the information supplied to me.

CARRIAGE OF MAILS BETWEEN KALKA AND SIMLA ON MOTOR LORRIES.

953. ***Mr. Sri Prakasa :** Is it a fact that the mails between Kalka and Simla are carried on motor lorries ? If so, are these mails carried on contract, or have Government their own lorries ? If the former, what is the point in Government not utilising and patronizing their own railway ?

The Honourable Sir Frank Noyce : The reply to the first part of the question is that only a portion of the mails are conveyed from Kalka to Simla by motor vehicles travelling by road. Government do not own these vehicles. The service is worked on contract. As regards the last part of the question I may inform the Honourable Member that the object of utilising the motor service is to ensure the delivery in Simla of the mails from Northern India and the Western United Provinces much earlier than if they were carried by rail. Incidentally this also enables the public to reply to correspondence on the same day. Mails from all other parts of India are carried from Kalka to Simla in a rail motor and in mail vans attached to the two morning trains.

Mr. Sri Prakasa : In view of the fact that Government prefer to bring a portion of the mails by motor, why do not Government bring the whole of it by motor ? Why do they leave half of it to be brought by train ? Do not the same consideration apply to that portion of the mails brought by trains as apply to the particular portion that is brought by motor ?

The Honourable Sir Frank Noyce : No, Sir. The timings of the trains suit the larger portion of the mails and therefore they are brought

by train. To suit the public convenience, the smaller portion of the mail which arrives at a time which does not fit in with the departure of the trains and the rail motors is brought up to Simla by road motor.

Mr. M. S. Aney : May I ask whether the expenses which Government had to incur before the introduction of carriage of mails by motor lorries have now been reduced or increased ?

The Honourable Sir Frank Noyce : I must ask for notice of that question.

Mr. Sri Prakasa : Which method is more expensive, bringing the mail by motor or by rail ?

The Honourable Sir Frank Noyce : My Honourable friend has not included that in his question and I am sorry I cannot give him the information off-hand.

**WANT OF AN INTERMEDIATE CLASS WAITING ROOM AT THE BENARES
CANTONMENT RAILWAY STATION.**

954. ***Mr. Sri Prakasa :** (a) Is it a fact that there is no intermediate class mens' waiting room at the Benares Cantonment Railway Station on the East Indian Railway, and that there is no possibility of one being erected in the near future ?

(b) Is it a fact that owing to an extra room being required by the railway for other purposes, first and second class lady passengers have now a common waiting room, while there are separate first and second class waiting rooms for male passengers ?

(c) Do Government propose to advise the railway authorities concerned to give a common room for first and second class male passengers also, and convert the room thus saved into an intermediate class waiting room ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is referred to the reply given to his starred question No. 236 on the 9th September, 1936.

Mr. Sri Prakasa : In reply to that question the Honourable Member said that he was sending down the suggestion to the railway authorities. May I know if any reply has been received from the railway authorities ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information. If the Honourable Member would give me notice of that I shall try to discover it, but I can assure him that his suggestion must have been sent down or will be sent down.

Mr. Mohan Lal Saksena : In the meantime will the Honourable Member ask the railway authorities to allow intermediate class passengers to use the second class waiting room ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. Mohan Lal Saksena : Why not ?

The Honourable Sir Muhammad Zafrullah Khan : For the reason that it is a second class waiting room.

Mr. N. M. Joshi : May I ask whether the Government of India will place this question of the utilisation of waiting rooms, for intermediate, third class and second class passengers before the Central Advisory Committee for their advice ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir, because after all higher class passengers' waiting rooms cannot be allowed to be utilised by third class and intermediate class passengers, and there is no need to ask the advice of the Central Advisory Council on the matter.

Mr. N. M. Joshi : May I ask whether Government will consider the question of making some economy and get larger revenues by seeing that third class and intermediate class passengers are treated better and money is not wasted on second class and first class passengers ?

The Honourable Sir Muhammad Zafrullah Khan : That is a very large question.

Mr. Sri Prakasa : May I take it that the Honourable Member has changed his opinion since he last gave an answer to a similar question ; because he then said that he was sending down the suggestion to the Railway that the second class waiting room may be utilised by intermediate class passengers ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir. The suggestion was that there might be a combined upper class waiting room and the other waiting room may be converted into an intermediate class passengers' waiting room. I said I would put the suggestion to the Agent of the Railway. The last question that I have answered is whether as a general matter the question of the use of the higher class passengers' waiting rooms by lower class passengers will not be placed for their advice before the Central Advisory Council. I do not see that there is any contradiction.

Mr. Sri Prakasa : May I refer the Honourable Member to a supplementary question of Mr. Giri in the Delhi Session when the Honourable Member did say that he will send down to the railway authorities the suggestion that until an intermediate class waiting room is separately constructed, the second class waiting room may be allowed to be used by intermediate class passengers ?

The Honourable Sir Muhammad Zafrullah Khan : At Benares ?

Mr. Sri Prakasa : Yes, Sir.

The Honourable Sir Muhammad Zafrullah Khan : If I said so, I must have sent down the suggestion.

Mr. N. M. Joshi : May I ask whether Government will place before the Central Advisory Council the whole question of the policy regarding provision of waiting rooms at railway stations ?

The Honourable Sir Muhammad Zafrullah Khan : It is for the Central Advisory Council to raise that question.

Mr. Mohan Lal Saksena : Is it not a fact that at certain stations first and second class passengers have one combined waiting room ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise ; it is a matter of argument.

TRANSHIPMENT OF POSTAL ARTICLES FROM CITIES IN BIHAR CONNECTED WITH THE BENGAL AND NORTH WESTERN RAILWAY.

955. ***Mr. Sri Prakasa :** (a) Is it a fact that postal articles from cities in Bihar connected with the Bengal and North Western Railway are transhipped at the first convenient junction station to the East Indian Railway ?

(b) Is it a fact that this system delays letters and other articles between cities, both of which are only connected with the Bengal and North Western Railway, for example, letters between Begu Sarai and Gorakhpur, owing to detention at Barauni for transhipment to Mokameh on the East Indian Railway ?

The Honourable Sir Frank Noyce : (a) The position is not exactly as stated by the Honourable Member. Mails from towns in North Bihar situated on the Bengal and North Western Railway are dealt with as far as is possible by the mail offices situated at railway stations at Barauni, Darbhanga, Samastipur, Muzaffarpur, Chapra and Sonapur all on the Bengal and North Western Railway. Mails which cannot conveniently be disposed of by these offices are sent on to certain railway mail service offices situated on the East Indian Railway for further disposal.

(b) The existing arrangements are intended to secure the quickest possible disposal of the mails consistently with economy, but I am sending a copy of the Honourable Member's question to the Postmaster-General, Bihar and Orissa Circle, for such action as he may consider suitable.

DELAY IN THE SUPPLY OF GOVERNMENT OF INDIA PUBLICATIONS TO THE PUBLIC.

956. ***Pandit Sri Krishna Dutta Paliwal :** (a) Will Government please state if they are aware that difficulties have been experienced by the public in getting a prompt supply of Government of India publications either direct from their office or through their agents ?

(b) If so, what steps, if any, do Government propose to take to remove these difficulties ?

(c) Do Government intend to maintain a few copies of their important publications with their agents, irrespective of the orders for them ? If so, when ? If not, why not ?

(d) Is it a fact that a letter dated, Cawnpore, the 2nd July, 1936, was replied to by the Central Publication Branch, Delhi on the 11th August, 1936, (re No. 11/1136 A.O.G.) ? If so, what was the cause of this delay in reply ?

(e) Is it also a fact that a copy of the Factories Act ordered on the 28th June by the Merchants' Chamber of the United Provinces, Cawnpore was supplied on the 18th of September ?

(f) Was the Merchants' Chamber concerned informed whether the book will be supplied or not ? If so, when ? If not, why not ?

(g) Is it a fact that the copy of the book was available in the first week of September ? If so, will Government please state why it was supplied in the third week ?

The Honourable Sir Frank Noyce : (a) to (c). Complaints regarding delay in the supply of publications by the Central Publication Branch have been received from time to time and with a view to a more expeditious disposal of indents, Government have recently sanctioned an increase in the staff of the Central Publication Branch. As regards agents, the complaint has been that they do not stock all Government publications. Under the existing agency terms, the agents obtain Government publications on payment and they cannot be compelled to stock books beyond the actual demands anticipated by them. Important publications are usually stocked by agents and Government do not consider that any further action is called for.

(d) I presume the Honourable Member refers to the letter from the Secretary, Merchants' Chamber of the United Provinces, Cawnpore, which was received by the Central Publication Branch on the 8th July, 1936. In this letter a complaint was made regarding delay by the Central Publication Branch in complying with indents for publications sent during the previous year. Some time was required for investigation into the cause of delay and a reply to the letter was sent on the 4th August, 1936.

(e) Yes. The complaint regarding delay in the supply of the Factories Act in 1935 was included in the letter from the Secretary, Merchants' Chamber, referred to in part (d) and it was explained that the delay was due to copies being out of stock.

(f) and (g). The Merchants' Chamber was not informed of the probable date of supply. The clerk responsible for this omission and for the delay in supply has been suitably dealt with.

Prof. N. G. Ranga : In view of the fact that even the Madras Government Publication Branch does not keep some of the most popular and important publications of the Government of India, will Government consider the advisability of adopting the suggestion made in part (c) of this question ?

The Honourable Sir Frank Noyce : No. I hardly think that Government can be expected to stock copies of important publications with their agents unless the Agents definitely ask for them. It would not be a business proposition.

Prof. N. G. Ranga : Is it not a fact that these various provincial publication branches are expected to co-operate with the Central Publication Branch ?

The Honourable Sir Frank Noyce : I am not sure what the relations between the two branches are. Is it my Honourable friend's suggestion that the Madras Government Publication Branch should stock copies of the Government of India publications ?

Prof. N. G. Ranga : Yes.

The Honourable Sir Frank Noyce : I shall be glad to examine that suggestion.

Mr. Mohan Lal Saksena : As regards part (d) of the question, am I to understand that the practice of the Central Publication Branch is

not to acknowledge letters and say that they are receiving attention, as is done in other departments ?

The Honourable Sir Frank Noyce : Apparently what happened in this case was that a letter was received on the 8th July and a reply to it was not sent until the 4th August. I regret that that should have been the case, but I imagine that what happened was that it was hoped that it would be possible to send a reply earlier. I have already explained in my reply to parts (f) and (g) that the clerk responsible for the omission has been suitably dealt with.

Mr. Mohan Lal Saksena : Will the Honourable Member issue instructions that pending inquiries, acknowledgments at least should be made of the receipt of letters ?

The Honourable Sir Frank Noyce : I hardly think that it is my business to see to this matter personally, but I will certainly pass on the suggestion to the head of the department concerned.

Mr. N. M. Joshi : May I ask in view of the fact that these complaints have been going on for several years, whether the Honourable Member will consider the advisability of punishing and suitably dealing, not with the clerk but with the officer in charge ?

The Honourable Sir Frank Noyce : The answer to my Honourable friend's question is that I am aware that there have been delays in the Central Publication Branch and that the question of improving its efficiency has engaged my attention during the whole time I have been in charge of this department. I think that matters are now considerably better than they were ; and as one of my Honourable friends opposite, who is not listening to me at the moment, happens to be personally aware, we are continually doing our best to prevent complaints of this sort.

NON-APPLICABILITY OF THE CHILD MARRIAGE RESTRAINT ACT TO NON-REGULATED PROVINCES, ADMINISTERED AREAS AND CANTONMENTS.

957. ***Pandit Sri Krishna Dutta Paliwal :** (a) Will Government please state in which of the non-regulated provinces, administered areas and Cantonments the Sarda Act is not yet applied ?

(b) Do Government intend to apply the Act in those areas ? If so, when ?

Sir Aubrey Metcalfe : With regard to (a), I would refer the Honourable Member to the statement which was laid on the table on the 20th September, 1935, with reference to the reply given to question No. 543. Some of these areas have since been retroceded to Indian States and an amended statement is herewith laid on the table. As regards part (b), I invite the attention of the Honourable Member to the reply given by me on the 20th March, 1936, to his starred question No. 1372. The position has not undergone any change since that answer was given.

Statement.

Western India States Agency	..	..	Rajkot Civil Station. Wadhwan Civil Station. Sadra Bazar.
Central India Agency	..	..	Mhow Cantonment. Neemuch Cantonment. Bhopal Agency Area. Civil lines of Nowgong.
Gwalior Residency	..	..	Gwalior Residency area.
Rajputana Agency	..	..	Abu.
Kolhapur Residency	..	..	Kolhapur Residency area.
Assam	..	..	British Reserve in Manipur. Shillong (Rifle Range Cantonment).

Prof. N. G. Ranga : What steps are being taken to prevent the evasion of the Sarda Act by people going to these areas to which the Act has not been extended and trying to evade the Act ?

Sir Aubrey Metcalfe : I should have to have notice of that question and also of details of cases of the kind which the Honourable Member quotes.

NON-APPLICABILITY OF THE CHILD MARRIAGE RESTRAINT ACT TO CANTONMENTS IN CENTRAL INDIA.

953. ***Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that the Sarda Act is not applied in the Central Indian Cantonments ?

(b) Will Government please state the reason or reasons for not applying the Sarda Act in the above Cantonment areas ?

Sir Aubrey Metcalfe : I would refer the Honourable Member to the reply given on the 25th September, 1936, to question No. 617. The position has not undergone any change since that answer was given.

INTERVIEW OF CANDIDATES FOR CERTAIN POSTS IN THE BROADCASTING DEPARTMENT.

959. ***Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that nearly 200 young men were called to Delhi for interview from 27th to 29th July this year, in order to select candidates for the posts, both on the programme as well as the technical side of the Broadcasting Department of the Government of India ?

(b) Is it a fact that many of these youngmen came from distant parts like Bangalore and Calcutta ?

(c) Is it a fact that the candidates for the technical side were not interviewed at all ?

(d) Were these candidates, about a hundred in number, informed that they were called by a mistake ?

(e) Were they promised that they would be called in two months' time again ?

(f) If the answer to parts (d) and (e) be in the affirmative, will Government please state who was responsible for the mistake? And was that promise fulfilled?

The Honourable Sir Frank Noyce : (a) Approximately 200 candidates were called for interview by a Selection Board which, however, had been constituted to make selections for programme and not for technical posts.

(b) Some of them came from distant places.

(c) They appeared before the Selection Board, but were not considered further when they stated that they wanted technical and not programme posts.

(d) Yes, but their number was only eight.

(e) No, they were told that their applications would be considered as vacancies occurred in technical posts.

(f) The mistake occurred because some of the Vice-Chancellors of Universities who had been asked to nominate suitable candidates for interview both for programme and technical posts, failed to indicate clearly for which category certain candidates were recommended and in some cases recommended for programme posts candidates who wanted technical posts. The last part of this part of the question does not arise in view of my reply to part (e).

Prof. N. G. Ranga : Were these candidates who were disappointed owing to this particular mistake given at least third class fare to go back to their homes?

The Honourable Sir Frank Noyce : No, because the mistake was not due to any action on the part of the Government.

Mr. Mohan Lal Saksena : Was the attention of the Vice-Chancellors or persons who had recommended these candidates drawn to this mistake?

The Honourable Sir Frank Noyce : I do not think we have corresponded with them on the subject. A mistake was made and it is not much use following it up. On the next occasion, should similar circumstances arise, we shall certainly ask the Vice-Chancellors to be more careful. I may add for the information of the House that the Chief Engineer for Broadcasting who is shortly undertaking a tour has been specially asked to interview these candidates at the nearest station to their homes in order to see whether any of them are suitable for technical posts.

Dr. Ziauddin Ahmad : Are Government aware that some bogus telegrams were sent to the students at the Aligarh University purporting that the interview was postponed and asking them not to come?

The Honourable Sir Frank Noyce : My Honourable friend has had some correspondence with me on that subject: I hardly think that it arises out of this question.

Qazi Muhammad Ahmad Kazmi : What was the number of these vacancies for which these 200 candidates were called?

The Honourable Sir Frank Noyce : I cannot remember off-hand : I should have to have notice of that question.

Sir Muhammad Yakub : May I know whether the candidates recommended by the selection committee were taken or whether the recommendations of the selection committee were brushed aside and other candidates who were not recommended were taken ?

The Honourable Sir Frank Noyce : I should require notice of that question. I cannot say off-hand. I know that the recommendations of the selection committee were accepted in the main : but whether they were accepted in their entirety or not I am unable to say without notice.

REWARDS GIVEN TO INDIAN SOLDIERS FOR MERITORIOUS SERVICES IN ADDIS ABABA.

960. ***Sardar Mangal Singh :** Will Government be pleased to state what rewards have been given to the Indian officers and men who rendered meritorious services at the time of Italian occupation of Addis Ababa ?

Mr. G. R. F. Tottenham : The attention of the Honourable Member is invited to the reply I gave to starred question No. 435 on the 16th September, 1936.

Sardar Mangal Singh : May I know why there has been such abnormal delay, in this matter ?

Mr. G. R. F. Tottenham : I do not admit that there has been any abnormal delay.

Sardar Mangal Singh : May I know from which treasury these rewards will be given ? From the Indian treasury or the British treasury ?

Mr. G. R. F. Tottenham : I do not think there is any question of money rewards.

REPAIRS TO FEEDER ROADS CONNECTING THE RAILWAY STATIONS.

961. ***Mr. K. Ahmed :** (a) Are Government aware that according to the Mitchell-Kirkness Report, 1933, feeder roads connecting the railway stations are to be repaired and kept in good condition with a view to enabling the passenger-public to travel and the goods to be carried to the railway stations from different places and *vice versa* ?

(b) Are Government aware that since my starred question No. 46 of the 10th January, 1922, was put in the Assembly, the passengers, the public, the consignors and consignees of goods from the said station are suffering a great deal of inconvenience, owing to the condition of the road from Malda town to the railway station on the Eastern Bengal Railway line, a distance of a mile and a half ?

(c) Are Government prepared to state the extent of the goods, including mangoes, paddy, jute, corn and varieties of products taken together throughout the District, which are transported to and from the District by railways, explaining in full particulars separately as to the varieties and quantities of each ?

(d) Have Government considered that the railway income would increase a great deal if the condition of the road between Malda town and the Malda railway station is improved and the river Mahanada is bridged? Is it a fact that after my questions were put in 1922 and 1923, no steps were taken in the matter?

(e) Are Government prepared to consider a similar improvement of the feeder roads of the Chapai-Nawabganj railway station of the same line for increasing the income of the railway and for the benefit of the passenger-public, the consignors and the consignees?

(f) Is it a fact that the Mitchell-Kirkness Report, 1933, Appendix VII, at pages 60 and 61, refers to the railway stations of the same line at Harishchandrapur, Samsi, Eklakhi, Nimasera, Rohanpur, Nacheul and Godagari, mentioned in the list of feeder roads which the Eastern Bengal Railway suggested should be improved, and are Government aware that these are still being neglected, no repairs are done to them, and no bridge and culverts have been constructed?

(g) Do Government propose to make enquiries about the full particulars of the goods, etc., imported and exported and the number of passengers which may be increased if the facilities are given to all the railway stations stated above and the feeder roads are repaired and kept in good condition for the passenger-public to travel and place the report on the table explaining the full particulars on the floor of the House?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) No specific complaints are traceable, but Government have no doubt that a road in a very bad state of repair would be a source of inconvenience.

(c) and (g). Government regret that the time and expenditure entailed in collecting the information asked for are not commensurate with the results to be achieved.

(d) Whether the improvement of the road communication between Malda town and the station would result in an increase of railway earnings is a matter of opinion, but I would point out to the Honourable Member that neither the improvement of the road nor the building of the bridge over the Mahanada is the concern of the Railway Department.

(e) and (f). This responsibility devolves on the Local Government and local bodies concerned, in so far as feeder roads outside railway premises are concerned.

Mr. K. Ahmed : Is it not a fact that in the Kirkness-Mitchell report it is stated that Government will take up all these matters to give facilities to the passengers and the public and at the same time to get the assets and the profits increased, and with that end in view the Kirkness-Mitchell Committee was formed. May I know if the writings in the report are a dead letter?

The Honourable Sir Muhammad Zafrullah Khan : Government, so far as this Department is concerned, would be very happy to see this communication improved, but, as I have pointed out, it is a matter for the Local Government and the local authorities.

Mr. K. Ahmed : Is it a matter for the Local Government ? Is it not for the benefit of the Government of India and the Railway Department to take action in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : The Railway Department are responsible for feeder roads only to the extent that they lie within railway premises.

Mr. Mohan Lal Saksena : With reference to the answer to part (b) of the question, am I to understand that the inconvenience has increased since the question of the Honourable Member in 1922 ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I am not able to follow.

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

ANTI-INDIAN AGITATION IN CEYLON.

962. ***Mr. Samuel Aaron :** Will Government be pleased to state whether any report has been received from Ceylon regarding *anti-Indian* agitation carried on there ?

Sir Girja Shankar Bajpai : Attention of the Honourable Member is invited to the reply given by me to the supplementaries to Mr. S. Satyamurti's question No. 156 on the 7th September, 1936.

PROTECTION OF THE INTERESTS OF MALAYALEES IN CEYLON.

963. ***Mr. Samuel Aaron :** Will Government be pleased to state :

(a) whether they have perused the statement published by Mr. A. E. Goonesinghe in the *Ceylon Observer*, dated the 7th April, 1936 ; and

(b) what steps have been taken by them to safeguard and protect the rights and interests of the Malayalees in the Island ?

Sir Girja Shankar Bajpai : (a) No, Sir.

(b) Attention of the Honourable Member is invited to the reply given by me to the supplementaries to Mr. Satyamurti's question No. 156 on the 7th September, 1936.

REPRESENTATION OF INDIANS IN CEYLON ON THE IMMIGRATION COMMISSION.

964. ***Mr. Samuel Aaron :** Will Government be pleased to state :

(a) whether they are aware that an Immigration Commission will soon be appointed in Ceylon ;

(b) whether any steps have been taken by them to get representation for Indians in Ceylon on the Commission, and if so, what they are ; and

(c) what steps have been taken to submit satisfactorily and effectively the case of Indian labourers, both estate and urban, before the Commission ?

Sir Girja Shankar Bajpai : Attention of the Honourable Member is invited to the reply given by me to Mr. Satyamurti's question No. 873 of the current Session.

ANTI-INDIAN AND ANTI-MALAYALEES AGITATION IN CEYLON.

965. ***Mr. Samuel Aaron :** Will Government be pleased to state :

- (a) whether they have perused the editorials published in the *Times of Ceylon*, dated 9th April, 1936, 13th June, 1936 and 3rd August, 1936, under the captions "A Short-sighted Agitation", "The Multiplication of Misfits", and "Problems of Immigration", in which references have been made to the anti-Indian, especially anti-Malayalees, agitation ;
- (b) whether Indians in Ceylon do not form an important minority community in the Island ; and
- (c) whether they have taken any steps to secure due representation to them in the State Council, as they have protected the rights and interests of the minorities in India, and if so, what are they ?

Sir Girja Shankar Bajpai : (a) Yes, except the first mentioned.

(b) Indians in Ceylon number 775,000 out of a total population of 5,617,000 and form an important minority community.

(c) Elections to the Ceylon State Council are not conducted on communal lines. I may add for the information of the Honourable Member that there are two elected and one nominated Indian members of the Council.

IMPROVEMENT OF THE SANITATION OF VILLAGES IN THE DELHI PROVINCE.

966. ***Mr. M. Asaf Ali :** (a) Are Government aware that the villages of Delhi Province suffer from (i) increasing congestion in residential areas, (ii) contaminated water of tanks and wells, (iii) lack of separate bathing and washing ghats, and drainage, and (iv) unregulated location of *Nohras*, *Gatwars* and *Kuris* (dung-heaps) ?

(b) Are Government aware that the agricultural needs of the increasing population have resulted in the reduction of village commons (grazing grounds) ?

(c) What steps have Government taken or propose to take to remedy these conditions ? And what proportion of the revenue realised from rural area is annually allocated to measures intended to meet these evils ?

(d) Have Government taken any steps to encourage internal colonisation to relieve the pressure on agricultural land and rural residential area by offering tempting conditions of colonisation in areas where cultivable land is available ?

Sir Girja Shankar Bajpai : (a) (i). No.

(ii), (iii) and (iv). Yes.

(b) In certain cases common lands in excess of village requirements have been brought under cultivation.

(c) Out of the Government grant for rural reconstruction in Delhi Province a substantial portion is being spent on the improvement of village drinking wells and on village remodelling. In a few selected villages efforts have been made to locate dungheaps in suitable positions. The allotment for rural improvement varies from year to year and, therefore, no uniform proportion exists between such expenditure and the revenue derived from the rural area.

(d) There are no such areas available in the Delhi Province and this part of the question does not, therefore, arise.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

967. ***Pandit Krishna Kant Malaviya** : (a) With reference to the reply given to unstarred question No. 248, dated the 9th March, 1936, will Government please state whether any case of disability military pension has yet been assessed according to Government's reply to starred question No. 592 B, items D to I of the 4th September, 1933 ?

(b) Has any case of disability military pension yet been assessed according to Government's reply to starred question No. 1182 (a), dated the 27th November, 1933 ?

(c) Has any case of disability military pension yet been assessed according to Government's final reply to starred question No. 331 of 2nd March, 1934, given on the 31st August, 1934 ?

(d) Is it a fact that when giving the final reply to starred question No. 331 of 2nd March, 1934, Government clearly and distinctly admitted wrong assessment of disability pension cases for diseases and ordered the re-assessment and re-adjustment of such cases ?

(e) Will Government please state whether all the re-assessments and re-adjustments ordered have since been done ? If not, how many cases have been done and how many rejected ?

(f) Is it a fact that all the cases ordered for re-assessment and re-adjustment have been turned down without giving any reasons for the same in accordance with item No. 3 of I. A. O. No. 560 of September, 1933 ?

(g) Will Government please state full reasons for rejecting all the cases which they themselves ordered for re-assessment and re-adjustment in consequence of their final reply to question No. 331 of 2nd March, 1934, given on 31st August, 1934 ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to the reply given to Seth Haji Abdoola Haroon's unstarred questions Nos. 25, 26 and 27 on the 15th September, 1936.

RATES FOR THE SALE OF ICE AND AERATED WATERS ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS.

968. ***Mr. H. M. Abdullah** : (a) Will Government be pleased to state the rates for sale of ice and aerated waters in trains and on the station platforms over the two State-managed Railways, namely, the North Western Railway and the East Indian Railway ?

(b) Are Government aware that 90 per cent. of the material, chemicals, and bottles, etc., used in the manufacturing of aerated and mineral waters of superior quality are all imported, and that the cost of the manufacture of aerated waters at the coast stations is much less than the cost at the stations situated a thousand miles away from the coast stations due to the extra railway freight, breakage, wastage in the transit, and other expenses ?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state the reasons for the higher charges on the East Indian Railway when compared with the charges on the North Western Railway ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (c). I would refer the Honourable Member to the reply I gave to parts (d) to (f) of Qazi Muhammad Ahmad Kazmi's question No. 545 on the 22nd September, 1936.

(b) Government are not so aware.

Qazi Muhammad Ahmad Kazmi : So far as I remember, the reason why the rates on the E. I. Railway were higher than on the N. W. Railway was not specifically dealt with in that question, and especially in view of part (b) of the question.

The Honourable Sir Muhammad Zafrullah Khan : Has the Honourable Member considered the reply I have given to part (b) of the question ?

Dr. Ziauddin Ahmad : In view of the fact that we have been drawing the attention of the Government to the high charges and in view of the Government's promise to consider this matter in the Central Advisory Council, may I know whether that Council considered the question of rates ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Dr. Ziauddin Ahmad : And what is the result ?

The Honourable Sir Muhammad Zafrullah Khan : The result is that they have made certain recommendations. The meeting took place only the other day, and their recommendations after consideration will be sent down to the different railway administrations.

Qazi Muhammad Ahmad Kazmi : Have they made a recommendation in favour of reduction of rates or not ?

The Honourable Sir Muhammad Zafrullah Khan : They have made certain recommendations. These will be considered by the Department and then suggestions will be made on the basis of that to the different railway administrations.

TENDERS FOR THE SALE OF ICE AND AERATED WATERS ON THE EAST INDIAN RAILWAY.

969. ***Mr. H. M. Abdullah :** (a) Will Government be pleased to state the year when the last tenders for the sale of ice and aerated waters over the East Indian Railway were formally invited ?

(b) Is it a fact that the tender of Messrs. The Carlsbad Mineral Water Manufacturing Company, Ltd., of 14 Watkins Road, Howrah, the

present contractor, was accepted at the prevalent rates when these tenders were invited ?

(c) Is it a fact that when these tenders were invited, other firms of high reputation in the manufacture of aerated waters from Calcutta and *mufassil* also submitted their tenders offering much lower rates ?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state the reasons for the rejection of these tenders, and the acceptance of that of Carlsbad Company, Ltd., at much higher rates ?

(e) Will Government please state the number of years for which this contract is being held by Messrs. Carlsbad Mineral Water Manufacturing Company, Ltd., Howrah ?

(f) Will Government be pleased to state if any revenue is earned by the East Indian Railway in lieu of the grant of this concession and the benefit derived by Messrs. Carlsbad Mineral Water Manufacturing Company, Ltd., Howrah ?

(g) If the answer to part (f) be in the negative, will Government be pleased to give the reasons for this ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Applications were invited in 1931.

(b) Yes.

(c) Lower rates were quoted by some firms.

(d) The Agent states that the resources of all applicants were inspected and that the Carlsbad Company was selected as being the most up-to-date and best able to satisfactorily carry out the terms of the contract.

(e) Since 1923.

(f) No.

(g) It has not so far been the policy of the Railway Administration to demand a fee or other payment for a contract of this nature.

Mr. Mohan Lal Saksena : Is this firm an European firm ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I cannot say without notice.

Mr. Mohan Lal Saksena : What is the consideration for this contract given to this company ?

The Honourable Sir Muhammad Zafrullah Khan : I have stated in reply to part (g) of the question that railway administrations do not levy a fee or other payment for a contract of this nature.

Pandit Lakshmi Kanta Maitra : Is it a fact that the quotations of Carlsbad Company were higher than those of other companies ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered that in reply to part (c).

Qazi Muhammad Ahmad Kazmi : May I know if any tenders have been called for since 1931 ?

The Honourable Sir Muhammad Zafrullah Khan : I should require notice of that question.

Dr. Ziauddin Ahmad : May I know what is the answer to part (c) of the question ?

The Honourable Sir Muhammad Zafrullah Khan : Lower rates were quoted by some firms.

Pandit Lakshmi Kanta Maitra : The tenders were called for for the last time in 1931 ?

The Honourable Sir Muhammad Zafrullah Khan : Applications were invited in 1931.

Pandit Lakshmi Kanta Maitra : Has any fresh tender been called for since then ?

The Honourable Sir Muhammad Zafrullah Khan : I have said that I would require notice of that question.

Mr. Mohan Lal Saksena : Have not prices fallen since 1931 ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I cannot say whether there has or has not been a variation in the prices of these articles.

Pandit Lakshmi Kanta Maitra : In calling for these tenders, may I know if it is properly advertised in the newspapers ?

The Honourable Sir Muhammad Zafrullah Khan : I would find that out if I have notice of that question.

Dr. Ziauddin Ahmad : The rates charged by this particular company is Rs. 1-8-0 per dozen soda water bottles, while the bazaar rate is six annas, and we are required to pay four times as much as the Bazaar rate.

The Honourable Sir Muhammad Zafrullah Khan : I am not so aware.

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

INVESTIGATION TO FIND OUT THE COST OF CULTIVATION OF CROPS.

970. ***Mr. H. M. Abdullah :** Will Government be pleased to state :

- (a) whether the Agricultural Research Council, jointly with the Indian Central Cotton Committee, has for the last three years or so been carrying on investigation to find out the cost of cultivation of various crops ;
- (b) which are the crops included in the scheme and at which stations in the Punjab are these investigations being carried on regarding each of them ;
- (c) whether cotton, sugarcane and wheat are included in them ;
- (d) for how many years the data from which results are to be deduced, has been complete ;
- (e) what is the approximate cost of cultivation in rupees per maund of cotton, sugarcane and wheat for first, second and third year for which information has been collected ;

(f) how long these investigations are to continue ; and

(g) when the results of the report are to be published ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). A statement is laid on the table.

(d) For 1933-34 and 1934-35.

(e) It is not yet possible to state the approximate cost of cultivation as the data are still being checked and compiled.

(f) Till the end of September, 1936, except in Bihar and Bengal where the enquiry will last till June, 1937.

(g) The attention of the Honourable Member is invited to the answers given to starred question No. 711 by Professor N. G. Ranga and the supplementaries thereto during the Delhi Session, 1936.

Statement showing the crops included in the scheme and the stations in the Punjab at which the scheme for investigation into the cost of growing of various crops financed by the Imperial Council of Agricultural Research and the Indian Central Cotton Committee is being carried on.

All the crops grown in the selected holdings are included in the enquiry. The chief crops are cotton, wheat, sugarcane, maize, gram, fodder crops, etc.

The following are the centres selected in the Punjab, viz. :

Name of centre.	District.			
1. Chuheki	Jullundur.	..	..	..
2. Sargondi .. .. .		..	..	..
3. Kalla Bakra .. .. .		..	..	..
4. Jabbowal .. .. .		..	..	..
5. Hussainpur .. .. .		..	..	..
6. Mehli .. .. .		..	..	..
1. Chak 197 R. B.	Jullundur.	..	..	..
2. Chak 248 R. B. .. .. .		..	..	..
3. Chak 67 G. B. .. .. .		..	..	..
4. Chak 448 G. B. .. .. .		..	..	..
5. Chak 364 J. B. .. .. .		..	..	..
6. Chak 327 J. B. .. .. .		..	..	..
1. Bidhipur	Jullundur.	..	..	..
2. Japolota .. .. .		..	..	..
3. Khojapur .. .. .		..	..	..
4. Sarwali .. .. .		..	..	..
5. Sarman Lahri .. .. .		..	..	..
6. Kahlwan .. .. .		..	..	..

Pandit Lakshmi Kanta Maitra : With regard to the answer to part (e) of the question, may I know from the Honourable Member if the data when collected will be laid on the table of the House ?

Sir Girja Shankar Bajpai : I cannot say. The Council will first consider the result and I assume that in due course their conclusions together with the data will be made available to the public.

Prof. N. G. Ranga : May I know in which year these investigations will be over ?

Sir Girja Shankar Bajpai : The Honourable Member seems to have forgotten that I told him last March, 'September 1936.'

Mr. M. Ananthasayanam Ayyangar : May I know with respect to any of these crops, cotton, sugar or wheat, if any results have been arrived at ?

Sir Girja Shankar Bajpai : Investigations were to extend for three years and only at the end of three years conclusions could be reached, and the three years expired for most of these crops in September, 1936.

ABOLITION OF POSTS OF INSPECTORS IN THE CREW SYSTEM ON THE EAST INDIAN RAILWAY.

971. ***Pandit Krishna Kant Malaviya :** (a) Is it a fact that an affidavit was made by the Secretary of State for India in Council and sworn in on their behalf by the Deputy Agent, East Indian Railway in the Court of the Additional Subordinate Judge at Lucknow in the Civil Suit No. 79 of 1933 ? If so, did the affidavit in clause 16 admit that the crew system was to be abolished ?

(b) If the reply to part (a) be in the affirmative will the Honourable Member for Commerce and Railways please state :

- (i) the number of posts of Inspectors in the crew system which were ordered to be abolished ;
- (ii) the date of abolition of those posts ;
- (iii) the scales of pay of those abolished posts ;
- (iv) the names of those Inspectors who were discharged from the service on abolition of those posts with date of discharge and length of service of each such Inspector ; and
- (v) whether the holders of those posts held any substantive post under the Railway Administration, if so, in what capacity and on what scales of pay ?

The Honourable Sir Muhammad Zafrullah Khan : I am collecting information and will lay a reply on the table of the House in due course.

STAFF ON THE EAST INDIAN RAILWAY EMPLOYED ON POSTS OTHER THAN THOSE AGAINST WHICH THEIR PAY IS CHARGED.

972. ***Pandit Krishna Kant Malaviya :** Will Government please lay on the table a statement showing the number of staff on the East Indian Railway employed on posts other than those against which their pay is charged, as referred to in the report of the Supervisor of Railway Labour for the year 1934-35 ?

The Honourable Sir Muhammad Zafrullah Khan : The report of the Supervisor of Railway Labour for 1934-35 does not deal with the irregular employment of staff on posts other than those to which their pay is charged.

Mr. President : (The Honourable Sir Abdur Rahim) : I should like to point out to the Honourable Member that where the answer to a question consists only of a statement containing figures there is no reason why an oral answer should be required to take up the time of the House. Questions of that character ought to be unstarred.

UNIFORMITY IN RULES FOR PAY, ALLOWANCES, APPEALS AND SENIORITY ON STATE RAILWAYS.

973. ***Pandit Krishna Kant Malaviya :** Will the Honourable Member for Commerce and Railways please state whether the policy of Railway Administrations in respect of the rules for pay, allowances, appeals and seniority, are uniform on all State Railways, or at variance ?

The Honourable Sir Muhammad Zafrullah Khan : In respect of the more important conditions of service where Government consider uniformity desirable, they have laid down rules to govern all State-managed Railways. These are supplemented where necessary by rules framed by each Railway Administration for itself.

Prof. N. G. Ranga : Is it not a fact that the Railway Code is being prepared in which all these rules about pay and allowances are embodied ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say without notice.

RULES GOVERNING THE ADVANCEMENT OF PAY OF NON-GAZETTED STAFF ON STATE RAILWAYS.

974. ***Pandit Krishna Kant Malaviya :** Will the Honourable Member for Commerce and Railways please lay on the table of this House a copy of the rules governing the advancement of pay in time scales or by grades of the non-gazetted staff on State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : The non-gazetted staff on the State-managed Railways other than staff who have come over from late Company management are governed by the Fundamental Rules. The *ex-Company* staff are governed by the Company's rules which were in force just prior to the assumption of management by Government. Copies of all these rules are in the Library of the House.

NON-SANCTION OF GRADE ADVANCEMENT TO THE STAFF ON THE EAST INDIAN RAILWAY.

975. ***Pandit Krishna Kant Malaviya :** Will the Honourable Member for Commerce and Railways please state the rule under which the grade advancement to the staff on the East Indian Railway was not sanctioned in the same manner as was sanctioned to the staff on the North Western Railway, *vide* Railway Board letter No. 822-E.G., dated the 13th August, 1933 ?

The Honourable Sir Muhammad Zafrullah Khan : I would refer the Honourable Member to my reply to Qazi Muhammad Ahmad Kazmi's question No. 832, asked on the floor of this House on the 26th February, 1936.

RULES AND CONDITIONS GOVERNING ALLOWANCES ADMISSIBLE TO NON-GAZETTED STAFF ON STATE RAILWAYS.

976. ***Pandit Krishna Kant Malaviya** : Will Government please lay on the table of this House a copy of the rules and conditions governing allowances admissible to the non-gazetted staff on State Railways ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I shall answer questions Nos. 976 and 977 together.

The general rules and conditions are contained in the Fundamental and Supplementary rules (a copy of which is in the Library) and supplemented from time to time by the orders issued by the Governor General in Council. These will be shortly published in a consolidated form.

RULES AND CONDITIONS GOVERNING ALLOWANCES ADMISSIBLE TO GAZETTED STAFF ON STATE RAILWAYS.

977. ***Pandit Krishna Kant Malaviya** : Will Government please lay on the table of this House a copy of the rules and conditions governing allowances admissible to the gazetted staff on State Railways ?

APPLICABILITY OF FUNDAMENTAL AND SUPPLEMENTARY RULES TO NON-GAZETTED STAFF ON STATE RAILWAYS IN RESPECT OF PAY, ALLOWANCES, LEAVE, ETC.

978. ***Pandit Krishna Kant Malaviya** : Will the Honourable Member for Commerce and Railways please state the extent of the Fundamental and Supplementary Rules applicable to the non-gazetted staff on State Railways in respect of pay, allowances, leave, etc. ?

The Honourable Sir Muhammad Zafrullah Khan : I shall with your permission answer questions Nos. 978 and 979 together.

I would refer the Honourable Member to the Fundamental and Supplementary Rules themselves and to the Railway Services (Classification, Control and Appeal) Rules, copies of all of which are in the Library of the House.

APPLICABILITY OF FUNDAMENTAL AND SUPPLEMENTARY RULES TO GAZETTED STAFF ON STATE RAILWAYS IN RESPECT OF PAY, ALLOWANCES, LEAVE, ETC.

979. ***Pandit Krishna Kant Malaviya** : Will Government please state the extent of the Fundamental and Supplementary Rules applicable to the gazetted staff on State Railways in respect of pay, allowances, leave, etc. ?

§980.

†For answer to this question, see answer to question No. 976.

‡For answer to this question, see answer to question No. 978.

§This question was withdrawn by the questioner.

FREE PASS RULES GOVERNING THE JOURNEY OF STAFF ON STATE RAILWAYS.

981. *Pandit Krishna Kant Malaviya : Will Government please state whether the Free Pass Rules, governing the journey of the staff (gazetted and non-gazetted) on State Railways, in any way override the Fundamental and Supplementary Rules ?

The Honourable Sir Muhammad Zafrullah Khan : No : the two sets of rules never meet ; as the Fundamental and Supplementary Rules do not deal with the question of free passes.

APPEALS, MEMORIALS OR PETITIONS SUBMITTED TO THE GOVERNOR GENERAL IN COUNCIL BY THE STAFF IN THE ALLAHABAD DIVISION, EAST INDIAN RAILWAY.

982. *Pandit Krishna Kant Malaviya : Will Government please lay on the table of this House a statement showing the number and nature of appeals, memorials, or petitions addressed to the Governor General of India in Council by the staff in or discharged from the service in the Allahabad Division of the East Indian Railway and withheld or returned by the Divisional Superintendent during the period from 1st January, 1936 and 31st August, 1936, with the reasons therefor ?

The Honourable Sir Muhammad Zafrullah Khan : I lay on the table of the House a statement giving the required information. As regards appeals, I would invite the Honourable Member's attention to paragraph 17 of Rules regulating discipline and rights of appeal of non-gazetted Railway Servants, a copy of which is in the Library of the House.

Statement of memorials/petitions addressed to the Governor General in Council and withheld by the Divisional Superintendent, Allahabad, during the period 1st January, 1936 to the 31st August, 1936.

No.	By whom withheld.	Date of petition, etc.	Name of petitioner, etc.	Subject.	Orders passed.	Reference to the particular rule under which the petition was withheld.	Remarks.
1	Divisional Superintendent, Allahabad.	March 1936.	Bal Mukand Kapoor, Ex-Travelling Ticket Examiner, Cawnpore Central.	Discharged under terms of agreement from 25th September, 1934.	Withheld.	Rule 7 (16) Part III of Home Department Notification No. F./6/7/33-II, dated the 19th June 1933, a copy of which is in the library of the House.	

VOLUNTARY RETIREMENT OF STAFF UNDER ECONOMY CAMPAIGN IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

983. *Pandit Krishna Kant Malaviya : Will Government please lay on the table of this House a statement showing :

- (i) the number of the staff who applied for voluntary retirement under economy campaign during 1933 in Moradabad Division of the East Indian Railway ;
- (ii) category of those staff ;
- (iii) the number of those staff permitted to retire in each category ;
- (iv) the nature and period of leave granted to those staff in each category ;
- (v) the number of those staff in each category permitted to cancel the retiring leave ;
- (vi) the rules under which those staff are entitled to have the retiring leave cancelled ; and
- (vii) the monetary loss to the Railway Administration in allowing those staff to resume duty ?

The Honourable Sir Muhammad Zafrullah Khan : The information is not readily available and its collection would involve an amount of labour and expense not likely to be justified by results.

CREATION OF TWO NEW POSTS AFTER THE SURRENDER OF THE POST OF TRANSPORTATION INSPECTOR, COMMERCIAL, EAST INDIAN RAILWAY.

984. *Pandit Krishna Kant Malaviya : With reference to the statement laid in this House on the 26th January, 1934, in reply to starred question No. 1358 (b) asked on the 11th December, 1933, will the Honourable Member for Commerce and Railways please state :

- (a) the date from which the posts of clerks in grade I on Rs. 178—10—218 were abolished ;
- (b) the date from which those posts in those grades were revived ;
- (c) the reasons or circumstances for abolition and revival of those posts ;
- (d) how many senior clerks were superseded by such revival of those posts ;
- (e) how far the action of the Chief Commercial Manager, East Indian Railway, viz., that provision had to be made by creating a new appointment of clerks in grade I (*vide* letter No. C.C.[P.F.E.]65, dated the 25th August, 1933) is justified ;
- (f) the reason for not appointing retrenched staff on those revived posts in accordance with the instructions contained in Railway Board letter No. 381-L., dated the 19th August, 1932 ;
- (g) the amount incurred on those revived posts ; and
- (h) whether they propose to inquire into the conduct of the Chief Commercial Manager and if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information. These are matters of detailed administration within the competence of the Agent, East Indian Railway, to whom a copy of the question has been sent for information and such action as he may consider necessary.

LOSSES TO RAILWAY REVENUES.

985. ***Pandit Krishna Kant Malaviya :** Has the attention of the Governor General for India in Council been invited towards Railway Board letter No. 6617-E-30, dated the 1st/2nd May, 1933 ? If so, will the Honourable the Finance Member please state :

- (a) the circumstances under which the loss to revenues were not referred to in the Annual Reports of the Accounts Department ;
- (b) the circumstances under which the losses to revenues were not placed before the Public Accounts Committee ;
- (c) what action has been taken against those who failed in their duty in recovering the loss to revenues ; and
- (d) the date on which the loss to revenue was " written off " with the name of the competent authority, who passed the order ?

The Honourable Sir Muhammad Zafrullah Khan : I have seen a letter bearing the number and date quoted by the Honourable Member. This, however, was a demi-official letter from a Member of the Railway Board to Sir Henry Gidney and Government are not prepared to disclose information in regard to matters which may arise out of demi-official correspondence.

REFUSAL TO FORWARD APPEALS OF STAFF BY OFFICERS ON STATE RAILWAYS.

986. ***Pandit Krishna Kant Malaviya :** Is it a fact that Government informed this House on 21st February, 1934, in reply to a supplementary question to starred question No. 179 that an officer is not entitled to refuse to forward appeals that lie under the rules ? If so, will the Honourable Member for Commerce and Railways please state :

- (a) whether appeals lie to a Head of the Department against the orders passed by another Head of the Department ; and
- (b) whether Agents, Chief Operating or Transportation Superintendents, Chief Commercial Managers, Traffic Managers, Chief Engineers, Divisional Superintendents, etc., etc., of State Railways are Heads of Departments ?

The Honourable Sir Muhammad Zafrullah Khan : The reply to the first part of the question is in the affirmative.

(a) I would invite the Honourable Member's attention to rule 17 of the " Rules regulating discipline and rights of appeal of non-gazetted Railway Servants ", a copy of which is in the Library of the House.

(b) With the exception of Agents and Divisional Superintendents the rest of the authorities referred to in the question are heads of Departments.

Dr. Ziauddin Ahmad : Has the Honourable Member seen the proceedings of this Assembly in which we discussed the way in which appeals are disposed of by the railway authorities ?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of this question.

Dr. Ziauddin Ahmad : Is it not a fact that the appeals are never attended to properly ?

The Honourable Sir Muhammad Zafrullah Khan : That is entirely incorrect.

Dr. Ziauddin Ahmad : Is it not a fact that these appeals are never read. There is a printed form and it is practically sent off by the clerk who is there and it is neither read by the Railway Board nor by the Agent ?

The Honourable Sir Muhammad Zafrullah Khan : That is not correct.

TRAVELLING OF OFFICERS ON DUTY PASSES WHEN THEY ARE NOT ON DUTY.

987. ***Pandit Krishna Kant Malaviya :** With reference to the reply to part (d) of unstarred question No. 61 asked on the 4th February, 1936, in this House, will the Honourable Member for Commerce and Railways please state the rule made under section 96-B of the Government of India Act which delegates the discretionary powers to Agents of State Railways to authorize the gazetted staff to travel on duty (free) pass when the period spent is not treated as on duty ?

The Honourable Sir Muhammad Zafrullah Khan : Section 96B of the Act does not apply to the grant of passes.

POSTS OF SPECIAL INVESTIGATING INSPECTORS ON THE EAST INDIAN RAILWAY.

988. ***Pandit Krishna Kant Malaviya :** With reference to the reply given in this House on 4th February, 1936, to unstarred question No. 74, will the Honourable the Finance Member please state the expenditure incurred on the posts of Special Investigating Inspectors on the East Indian Railway and the justification for its creation in addition to the existing Inspectors ?

The Honourable Sir Muhammad Zafrullah Khan : Government are informed that there is at present one post of Special Inspector on the East Indian Railway Headquarters in the scale of Rs. 230—15—350 ; the pay of the present holder being Rs. 245 per mensem. The post was revived in order to meet the needs of the Commercial Department for the better conduct of claims cases and resulted in substantial savings.

TRAVELLING ALLOWANCES OF PERSONS ATTENDING MEETINGS OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

989. ***Pandit Krishna Kant Malaviya :** Will Government please state the procedure and rate of payment of travelling allowances to persons attending meetings of the Indian Railway Conference Association ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I shall answer questions Nos. 989 to 992 together. The meetings of the Indian Railway Conference Association are attended by railway officials as representatives of the railway to which they belong. They are treated as on duty for this purpose and they receive travelling allowance under the Travelling Allowance Rules in force on their respective railways.

TRAVELLING ALLOWANCES OF STAFF OF STATE RAILWAYS ATTENDING MEETINGS OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

†990. ***Pandit Krishna Kant Malaviya :** Will Government please state how the travelling allowances of the staff on State-managed Railways are paid to them when attending meetings of the Indian Railway Conference Association at places outside their headquarters or jurisdiction or within their headquarters or jurisdiction ?

TRAVELLING ALLOWANCES OF STAFF OF STATE RAILWAYS ATTENDING MEETINGS OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

†991. ***Pandit Krishna Kant Malaviya :** Will Government please state the rule under which travelling allowances of the staff on State-managed Railways for the attendance at meetings of the Indian Railway Conference Association are paid ?

STAFF OF STATE RAILWAYS ATTENDING MEETINGS OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

†992. ***Pandit Krishna Kant Malaviya :** Will Government please state whether the staff on State-managed Railways attending the meetings of the Indian Railway Conference Association are on duty or otherwise ?

TRAVELLING ALLOWANCES TO STAFF ON STATE RAILWAYS FOR ATTENDING MEETINGS OF THEIR TRADE UNIONS.

993. ***Pandit Krishna Kant Malaviya :** Will Government please state the rule under which travelling allowances to staff on State-managed Railways for attending meetings of their Trade Unions are paid ?

The Honourable Sir Muhammad Zafrullah Khan : There is no such rule. Staff attending meetings of their Trade Unions are not allowed any travelling allowances. I may add for the information of the Honourable Member that Government have no objection to the staff utilising the leave and passes due to them under the ordinary rules for Union meetings or business.

STAFF OF STATE RAILWAYS ATTENDING MEETINGS OF THEIR TRADE UNIONS.

994. ***Pandit Krishna Kant Malaviya :** Will Government please state whether the staff on State-managed Railways attending the meetings of their Trade Unions are on duty or otherwise ?

The Honourable Sir Muhammad Zafrullah Khan : Railway servants attending meetings of their Trade Unions are not considered on duty.

†For answer to this question, see answer to question No. 989.

STATUTE OR ACT GOVERNING THE CONDUCT OF RAILWAY SERVANTS.

995. ***Pandit Krishna Kant Malaviya** : Will Government please state the statute or Act under which the conduct of railway servants in India is governed ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I propose to reply to this and the following question together.

Rules regulating the conduct of railway servants, functioning as such, made under section 47 of the Indian Railways Act, 1890, were last published in Government of India, Railway Department (Railway Board) Notification No. 1078-T., dated the 9th March, 1929, which appeared in the Gazette of India of the same date.

As regards regulation of conduct of railway servants employed on State-managed Railways, in other matters, in common with other Government servants, I would refer the Honourable Member to the Government Servants' Conduct Rules issued or confirmed under section 96B of the Government of India Act, 1919 ; a copy of these rules is in the Library of the House. Servants of Company-managed Railways would, in such matters, be governed by rules which the companies concerned may make.

RULES REGULATING THE CONDUCT OF RAILWAY SERVANTS.

†996. ***Pandit Krishna Kant Malaviya** : Will Government please state the notification and date of the Gazette of India in which rules to regulate the conduct of Railway servants in India is published ?

APPEAL TO THE GOVERNOR GENERAL IN COUNCIL AGAINST AN ORDER OF THE AGENT OF A STATE RAILWAY.

997. ***Pandit Krishna Kant Malaviya** : Will the Honourable Member for Commerce and Railways please state whether an appeal lies to the Governor General in Council against an order of the Agent of a State-managed Railway ? If not, under what regulation ?

The Honourable Sir Muhammad Zafrullah Khan : I would invite the Honourable Member's attention to the " Rules regulating discipline and rights of appeal of non-gazetted Railway Servants ", a copy of which is in the Library of the House.

MILEAGE ALLOWANCE OF TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

998. ***Pandit Krishna Kant Malaviya** : With reference to the statement laid on the table of this House on the 7th February, 1933, in reply to starred question No. 249 (b), asked on the 12th February, 1932, will the Honourable Member for Commerce and Railways please state :

- (a) whether the mileage allowance is only paid to the running staff ;
- (b) whether the mileage allowance is only withdrawn on change of classification ;

†For answer to this question, see answer to question No. 995.

- (c) whether the date of the change in classification and alteration of the change in classification is notified as required by section 47 (1) (e) of the Railway Act and published in the Gazette of India under the provision of section 47 (3) of the Railway Act and, if so, what date ; and if not, why not ; and

- (d) the consideration of removing them from running staff ?

The Honourable Sir Muhammad Zafrullah Khan : I would refer the Honourable Member to my reply to Qazi Muhammad Ahmad Kazmi's question No. 832, asked on the floor of this House on the 26th February, 1936.

APPEALS AGAINST THE ORDERS OF THE DIVISIONAL SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.

999. ***Pandit Krishna Kant Malaviya :** With reference to the answer given on the 7th February, 1933, to starred question No. 1465, asked on the 28th November, 1932, in this House, will the Honourable Member for Commerce and Railways please state, after making full inquiries :

- (a) whether an appeal lay to the next higher authority to the authority passing orders ;
- (b) whether the Divisional Superintendents on the East Indian Railway are designated as Heads of the Department ; if so, for what purposes ;
- (c) whether the Agent is the next higher authority to the Heads of Department ; if not, then who is ; and
- (d) whether the Agent, by virtue of his circular No. 462 of 21st October, 1926, is the next higher authority to the Divisional Superintendent in matters applicable to establishment ?

The Honourable Sir Muhammad Zafrullah Khan : (a) In all cases appeal lies to the next higher authority than the authority passing the orders.

(b) No.

(c) Yes.

(d) No.

REGULATIONS FOR RECRUITMENT OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

1000. ***Pandit Krishna Kant Malaviya :** With reference to the statement laid on the table of the House on the 9th February, 1933, in reply to starred question No. 1474, on the 28th November, 1932, will the Honourable Member for Commerce and Railways please lay on the table a copy of the amendments up to date, made under the provisions of Rule 64 to circular No. 548/A.E.-2460, dated the 1st October, 1932 by the Agent, East Indian Railway ?

The Honourable Sir Muhammad Zafrullah Khan : Copies of the amendments to the ' Rules for the recruitment and training of subordinate staff on State-managed Railways ' made by the Railway Board are

in the Library of the House. Government have no information regarding the amendments made by the Agent, East Indian Railway, under the power delegated to him in rule 64 of these rules.

REDUCTION IN THE EMOLUMENTS AND NUMBER OF CERTAIN OFFICERS ON THE EAST INDIAN RAILWAY.

1001. ***Pandit Krishna Kant Malaviya** : Will the Honourable Member for Commerce and Railways please state in respect of East Indian Railway :

(a) whether there has been a reduction in the emoluments and also in the number of :

- (1) Administrative officers,
- (2) Senior Scale officers,
- (3) Junior Scale officers,
- (4) Lower Gazetted officers,
- (5) Inspectors (showing grades, etc.),
- (6) Station Superintendents,
- (7) Station Masters (showing grades, etc.), and
- (8) Assistant Station Masters (showing grades, etc.) ;

between 1925 and up to date ; communitywise ;

(b) whether there has been an increase in the emoluments and also in the number of appointments referred to in part (a) of this question since 1925, communitywise ;

(c) the reasons or circumstances necessitating the difference between parts (a) and (b) of this question ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The information readily available will be found in the " East Indian Railway Establishment Rolls and Working Estimates for the years 1925-26 and 1935-36 ", copies of which have been placed in the Library of the House.

(c) The changes were made in the interests of administration.

PAY AND ALLOWANCES OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

1002. ***Pandit Krishna Kant Malaviya** : With reference to the answer given to part (c) of starred question No. 488, asked in this House on the 25th February, 1933, will the Honourable Member for Commerce and Railways please lay a list of the permanent posts in a substantive capacity prior to the introduction of the Moody-Ward Scheme on the East Indian Railway ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I propose to reply to questions Nos. 1002, 1003, 1004 and 1005 together. I would invite the Honourable Member's attention to my reply to Qazi Muhammad Ahmad Kazmi's starred question No. 832 asked on the floor of this House on the 26th February, 1936.

PAY AND ALLOWANCES OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

†1003. ***Pandit Krishna Kant Malaviya :** With reference to the answer given to starred question No. 488, asked in this House on the 25th February, 1933, will the Honourable Member for Commerce and Railways please state :

- (a) whether the option of retaining the scale of pay is within the provisions of Fundamental Rules ; and if so, under what rule ; and
- (b) whether the option of retaining the scale of pay includes advancements from one stage to another stage and the increments in the stages ; if not, under what rule or regulation ?

REPORT OF THE MISRA COMMITTEE ON THE POSITION AND SALARY OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†1004. ***Pandit Krishna Kant Malaviya :** With reference to the answer given to starred question No. 587, asked in this House on the 27th February, 1933, regarding the report of the Misra Committee on the position and salary of Travelling Ticket Examiners on the East Indian Railway, will the Honourable Member for Commerce and Railways please state :

- (a) the authority ordering the appointment of the Committee ;
- (b) the composition of the Committee ;
- (c) the matters referred to the Committee ;
- (d) the evidence recorded by the Committee ;
- (e) the places inspected by the Committee ; and
- (f) the cost of the Committee ?

CONSOLIDATED ALLOWANCES OF TRAVELLING TICKET INSPECTORS, ETC., ON THE EAST INDIAN RAILWAY.

†1005. ***Pandit Krishna Kant Malaviya :** With reference to the statement laid on the table on the 27th February, 1933, in reply to part (e) of starred question No. 956, asked in this House on the 8th November, 1932, will the Honourable Member for Commerce and Railways please state whether one Officer-in-Charge, four Divisional Inspectors and 125 Travelling Ticket Inspectors on the East Indian Railway are eligible for the consolidated travelling allowance as referred to in the answer given to part (c) of the starred question No. 488, asked in this House on the 25th February, 1933 ? If so, are they eligible for it while on stationary duties ?

APPOINTMENT OF MR. HESELTINE AS OFFICER ON SPECIAL DUTY ON THE EAST INDIAN RAILWAY.

1006. ***Pandit Krishna Kant Malaviya :** Will the Honourable Member for Commerce and Railways please state :

- (a) the period of appointment of Mr. Heseltine, Officer on Special Duty on the East Indian Railway ; and

†For answer to this question, see answer to question No. 1002.

- (b) whether Mr. Heseltine submitted any report of his work as Officer on Special Duty ; if so, whether he placed a copy of the report on the table of this House ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Mr. Haseltine was on special duty on the East Indian Railway from October, 1926, to the 31st March, 1928.

- (b) The reply to the first part of the question is in the affirmative and the latter in the negative.

MOTION FOR ADJOURNMENT.

FAILURE OF THE GOVERNMENT OF INDIA TO SECURE SECRECY OF BALLOT IN THE PUNJAB AS RECOMMENDED BY THE ASSEMBLY.

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

12 NOON. I have received notice of an adjournment motion from

Mr. Mohan Lal Saksena to this effect. He wants to move " the adjournment of the business of the Assembly to consider a definite matter of urgent public importance, i.e., the failure of the Government of India to secure secrecy of ballot in the Punjab as recommended by the Assembly ". And he says : " The election rules for the Punjab were published in the Punjab Gazette, dated the 2nd October ".

Was not a similar motion regarding the United Provinces sought to be moved the other day ?

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadian Rural) : Yes, Sir, but this relates to the Punjab.

Mr. President (The Honourable Sir Abdur Rahim) : That was ruled by the Governor General as being a matter of provincial concern, and not primarily a concern of the Government of India. That ruling substantially covers this question which is identical to the previous question.

Mr. Mohan Lal Saksena : The rules in the United Provinces are slightly different from those in the Punjab.

Mr. President (The Honourable Sir Abdur Rahim) : That may be, but the question is, whether the matter is not primarily of provincial concern. From that point of view, the question is really substantially the same as the previous one.

Mr. Mohan Lal Saksena : In the case of the United Provinces, he has rules, but not in this case.....

Mr. President (The Honourable Sir Abdur Rahim) : I know, but what he has ruled in the case of the United Provinces applies to this motion.

Mr. Mohan Lal Saksena : But that ruling does not apply, Sir ; moreover, he may not be here to disallow it. (Laughter.)

THE ARYA MARRIAGE VALIDATION BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Bill to recognize and remove doubts as to the validity of inter-marriages current among Arya Samajists, as reported by the Select Committee. What is under consideration now is Mr. Bajoria's amendment* No. 12. **Sardar Sant Singh.**

Sardar Sant Singh (West Punjab : Sikh) : Sir, when the House rose last time during the discussion of this motion, I was submitting for the consideration of the House, as well as that of the Honourable the Mover of this Bill, the proposition whether the Mover has considered the desirability of substituting territorial laws for personal laws in this country. Sir, the one great advantage of the unitary system of the Government of India has been the uniformity of the laws that have been made in this country. The law relating to evidence, the substantive laws, the procedure laws and other laws apply from one end of the country to the other today. Sir, I would just appeal to the Honourable Members of this House whether the time has not come when the various communities in India should pool their resources together, sit together, and devise common laws for marriages, succession, inheritance, and so on and so forth.....

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : And eat together.

Sardar Sant Singh : Certainly, I will accept that proposition if it comes with a *bonâ fide* intention. There can be no doubt that the uniformity of laws tends to help the process of unification in the country, while the personal laws governing tribes and communities have a centrifugal tendency, and though for the time being they may seem to be very convenient for a particular community, yet they have a tendency to separate the communities from one another. Therefore, Sir, I would appeal to Honourable Members of this House to consider this aspect of the case and I would appeal to the Honourable Member in charge of the legislation in this House to frame an all-comprehensive Bill which may solve this problem of marriage, succession, etc., once for all and for all communities. With these few remarks, Sir, I support the motion.

Dr. Bhagavan Das (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I oppose the amendment moved by my Honourable friend, Mr. Bajoria. Before I deal with the arguments of Mr. Bajoria, I should like, with your permission, to refer briefly to the most unfortunate, most extraordinary and unexpected, very minatory language used by our Honourable and usually very jovial colleague, Mr. Kabeer-ud-Din, the other day, in supporting Mr. Bajoria's amendment. As the Honourable the Leader of the House and Law Member himself said—I am very sorry he is prevented by illness from being present here—Mr. Kabeer-ud-Din's words clearly gave the impression that he was approving of the murder of Swami Shraddhanand. By his violent language, Mr. Kabeer-ud-Din has

“ That for clause 2 of the Bill, the following be substituted :

- ‘ 2. Notwithstanding any law, usage or custom to the contrary, no marriage contracted after the commencement of this Act between two persons being at the time of the marriage Arya Samajists shall be invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus or that both the parties at any time belonged to a religion other than Hinduism.’ ”

offered a cruel insult to the memory of a great man and a most self-sacrificing patriot, who was deeply and sincerely honoured, not only within the Arya Samaj, but throughout India, by the educated and thoughtful of all communities, including even those who differed from him in opinion. (Hear, hear.) I cannot imagine that Mr. Kabeer-ud-Din sincerely believes that any real good of the Islamic community in India has been at all promoted by that murder. (Interruption by Mr. Kabeer-ud-Din Ahmed.)....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member himself has provoked this.

Dr. Bhagavan Das :Which all non-Muslims and also all thoughtful Muslims regard as wholly criminal, senseless, and most shameful withal, as committed on an old man lying sick and helpless in bed, a man who was, moreover, the lifelong friend of such noble-minded and large-hearted Muslims as the late much-lamented Hakim Ajmal Khan and Dr. Ansari. Mr. Kabeer-ud-Din has also insulted this whole House.....

Mr. K. Ahmed : My name is Mr. Kabeer-ud-Din Ahmed, and not Mr. Kabeer-ud-Din, I object to my friend's ignorance.

Dr. Bhagavan Das : I stand corrected ; I was not aware that that was an essential part of the name.

Mr. President (The Honourable Sir Abdur Rahim) : I think the Honourable Member (Dr. Bhagavan Das) need not dilate on this.

Dr. Bhagavan Das : Mr. Kabeer-ud-Din Ahmed has also insulted this whole House, so I feel, by the very unbecoming language which he allowed to escape from his mouth. Such words should, indeed, be impossible to utter, for a person in the position of Mr. Kabeer-ud-Din Ahmed, as a Member of this Honourable House and as a barrister of long standing, who may well be expected to have a liberal, reasonable, and just mind, willing to give as well as take, in matters of religion even more than in any other, for the quintessence of religion is justice and reciprocity and doing to others as we would be done by. I would remind my Honourable friend. Mr. Kabeer-ud-Din Ahmed, that the Prophet himself has said that "there should be no compulsion in matters of religion" and that "the noblest religion is to wish for others what we wish for ourselves" :

"*Lā ekrāhā fid-dīn*", and "*Afzal-ul-īmānium tohibbo linnas mā tohibho le nafsekā*".

Moreover it is utterly wrong to imagine, as my friend, Mr. Kabeer-ud-Din Ahmed, imagined, when he said :

"The intention of the Bill is to convert all the Muslims, Christians, and others into the Arya Samajist fold and get hold of their property."

Sir, the Bill intends no such absurdity. Its intention is unmistakably clear from its language. It only seeks to remove any and all possible doubts as to the validity of the marriage of two persons who were both Arya Samajists at the time of the marriage, though their castes might have been different, or though they might have belonged at any former time to any other religion. No fair-minded Christian has raised or would raise any objection to this on any ground of either religious or worldly reason ; and, it seems to me, no fair-minded Muslim can do otherwise.

As to the propriety of validating marriages retrospectively, this is nothing new for this Legislature to do. It has already done so as regards some marriages in the Central Provinces when the jurisdiction of the

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Allahabad High Court was doubted in that behalf ; and a Bill is before us now for similar validation of some marriages in Bangalore.

I may be permitted to say that the great and happy Japanese people set the right example to us in regard to religious tolerance. The father of the family may be a Shinto-ist ; the mother, a Buddhist ; the son a Christian as was literally the case in the family of Marshal Nogi, who won great fame in the Russo-Japanese War ; yet they all live together in the same family-home, quite happily and lovingly ; governing their daily outer life by the common science and the common laws of their country, and only their prayers and worships by their separate religious inclinations. We have to do, today, in the name and in the light of science and law what was done in the medieval ages in the name of religion, which, if only truly understood, is and should be law in a larger and fuller aspect. Indeed, I dream such foolish dreams as to believe that if the several religious communities exchanged followers, for fixed periods, as universities in the West are now beginning to exchange lecturers and students, mutual understanding and sympathy would be greatly promoted and all would learn to see that the differences are only in the outer forms and languages, that the essentials of all religions are the same, that the One Universal Spirit is present in them all. As the wise old Maulana Rum has said :

" Khushtar ān bāshad ke sirr-e dīl-barān

Gufta āyad dar hadise digarān.

It is a great delight to find

One's own thought in another mind."

Sir, this House is unique among the Legislatures of the world, in that it includes representatives of all the great living religions. It is for us to set the good example of tolerance in religious as well as other matters. We have the occasion, and we have the opportunity. Unless we cease to "insult", unless we learn to "consult", unless we induce by our active and constant example all the different sections of the Indian people to rise to the height of not only rational mutual tolerance but of effective mutual good-will, give-and-take, sympathy, appreciation and co-operation, the Indian people will fall into ever greater and greater decay. But if we and our electors, the Indian People who are the bread-givers and the salary-givers of the official as well as the non-official sides of this House, do so rise in spirit, in heart and in mind, as the result of the good example which we all here may set to them, then the Indian people will most surely rise in all and every material as well as spiritual prosperity.

I will, therefore, beg Mr. Kabeer-ud-Din Ahmed to start the good work—for small-seeming events have sometimes very far-reaching effects—by expressing regret for his improper language and thereby restoring placidity and pleasantness to the minds of his colleagues here.

As to Mr. Bajoria, I can only bend my head before him in sadness, for I expected better things from him. He has been unwittingly misguiding himself and also Mr. Kabeer-ud-Din Ahmed perhaps, for the sake of what might seem to them an immediate gain ; but which, indeed, to the deeper view, means disastrous loss to both the Hindu and the Muslim communities, by confirmation of both in fanatic intolerance and mutual hatred and obstruction, instead of mutual sympathy and affection and co-operation for the welfare of both.

I do not blame Mr. Bajoria. His mind is naturally filled with and moulded by the traditions, in which he has been brought up, of the profound misunderstanding as regards the nature of the caste-system, which has pervaded this land for centuries now, and which has been causing the ever-worsening degeneration of the Indian people and the ancient religion, all these centuries.

I must not enlarge upon historical instances of how such errors have persisted and increased for long ages and slowly brought about the downfall of nations.

I can only wish and hope that Mr. Bajoria may come to see the true meaning and purpose of the caste-system, to desist from obstructing this very helpful measure and, instead, to assist in the good cause of securing reformed and happier ways and means of life for all the communities that inhabit this land.

With reference to the remarks made by Mr. Bajoria, who said he was not a Pandit, and also by my very kind and worthy friend, Mr. Umar Ali Shah, who, by his excellent knowledge of Sanskrit, is a Pandit, on the subject of "Varna-Sankara" or "mixture of castes", as it is now understood, I will place before the House a very brief statement of the true nature of what is called the caste-system, and which, in Sanskrit, is known as "Varna-Vyavastha".

The fundamental scientific psychological principles, on which it is based, are indicated in the Vedas, in the Great Hymn to the Spirit of Humanity, the Oversoul of the whole Human Race, conceived as One Divine Man. This Hymn, known as the Purusha-Sukta, was composed at least five thousand years ago, by the computations of even European Orientalists. The Hymn says :

*Sahasra-shirshā Purushah, Sahasrāksha, sahasra-pāt,
Sa bhūmim sarvataḥ spīrvā atyatiśṭhad dash-āṅgulam. ॥
Brāhmano-sya mukham āsit, Bāhū Rājanyah Kṛishā,
Uru tad-asya yad Vaishyah, Padbhṛgām Shūdro ajāyata."*

"This million-headed, million-eyed, million-handed, million-bodied, million-footed Man overspreadeth the whole earth and encompasseth it all with His ten sensor and motor organs. The men of knowledge constitute His head, wherein are placed all the organs of knowledge and the brain which thinks and guides; the men of action are His arms; the men of desire are His trunk; the men of unskilled labour are His all-supporting legs."

Sociological Science tells us that as an individual body is an organism, so the Social body, the Social Whole, is and ought to be an organism; and Psychological Science tells us that every human being is predominantly, not exclusively, either a man of knowledge, or a man of action, or a man of desire, or is undifferentiated and unspecialised. In the ancient Social Organisation this larger organism is composed of four inter-dependent, mutually balanced, mutually helpful organisations. First comes the Educational Organisation, consisting of the learned professions, the *varna* of the *brahmanas* or *alims*, and of the *ashrama* or order of the students, *brahma-charis*, *tulabā*; the second is the Protective or Political Organisation, composed of the executive and military professions, the *kshattriyas* or *āmils*, (or *āmirs* or *amirs*, from the root *amr*, 'command'), and if the order of the *suburbans* or *vāna-prasthas*; the third is the Economic Organisation, made up of the farming and commercial professions, the

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vaishyas or *zurrā* and *tājirs* and of the order of the householders, the *grihasthas*, the *khānādārs*; the fourth is the Industrial Organisation, constituted by the labouring professions, the *shudrās* or *mazdārs*, the unskilled or little-skilled workmen as the physical servants, and of the order of the *Sanyāsīs*, the *faqīrs*, *durwēshas*, *miskins*, hermits and anchorites, as the spiritual servants, of society. The Vedas, and the first Law-giver of this land, Manu, whose Institutes are the oldest living law book of the world, have deliberately organized Human Society thus, in India, with equitable and strict partition of different kinds of rights and duties, work and reward, between the four.

The Educational organization decided the proper Varna, the profession, the right function and place in the social organism, of each student, at the end of his educational career, in accordance with his vocational aptitude, as duly ascertained by his teachers.

The two biological laws, viz., the Law of Heredity, i.e., *Janma* or *Yoni*, and the Law of Spontaneous Variation or Mutation, i.e., individual Karma or Tapas, were both taken into account in the Gurukula or Educational Home, in giving the appropriate cultural as well vocational teaching and training to each alumnus, and his special outstanding individual aptitude, whether it was in accordance with his heredity, or was his own peculiar and dominant variation from that heredity, decided his *varna*.

'Varna' primarily means, therefore, the occupation 'chosen' by a person in accordance with his vocational aptitude (*vriyatē iti varnah*), and which 'describes' his position in society, (*varnayati iti varnah*), describes the manner in which he is a member of it, the function he fulfils in it, and the livelihood he receives from it.

'Savarna-vivāha' means marriage between two persons of parity of temperament and similarity or compatibility of tastes, interests, habits and ways of life. *Samāna-shīla-vyasaneshu sakhyam*. Manu, accordingly, prescribes different kinds of marriage for different temperaments.

'Varna-vyavasthā' means social organization by rational division of the functions of society, the scientific division of the social labour, between the four main temperamental and vocational groups or classes, and the equitable apportionment of rights and duties, work and play, merit and reward, between the four classes.

'Varna-Sankara' primarily means 'confusion' 'fusing or mixing together', of these rights and duties, and consequent disorganization of society through the iniquitous grabbing of all rights by the strong and cunning few, and the imposing of all duties by them upon the weak and simple many. Secondly, 'varna-sankara' means the mating of persons of disparate temperaments, and adultery, concubinage, prostitution, sex-slave traffic, and worship of egoist sensuality instead of altruist duty and spirituality. This is what 'varna-sankara' means, and not the marriage of two persons bearing two different caste-names which have lost all real significance now. (Hear, hear.)

All these horrors of adultery and concubinage, prostitution and sex-slave traffic, are allowed to flourish luxuriantly while a terrible hue and cry is raised against a few inter-caste and inter-religion and inter-race marriages.

My Honourable friend, Babu Baijnath Bajoria, quoted some verses from the Gita under the impression that they support his view. They do not. His impression is wholly mistaken. Those verses propound Arjuna's doubts. Krishna's solution of the doubts is the very reverse of what Mr. Bajoria thinks. It is an authoritative and indubitable declaration that *varna* is by *karma*, and not by *janma*, and that *karma*, i.e., *jivika-karma* or bread winning occupation, should be in accordance with natural disposition, inclination, capacity, *svabhāva* and *gunā*.

*"Chātur-varnyam mayā srishtam
Guna-karma-vibhāgashah ;
Karmāni pravibhaktāni
Swa-bhāva prabhavair gunaih."*

Over and over again, statements are made in the Mahabharata and the Puranas to the same effect :

*"Na vishēsh-osti varnānām,
Sarvam Brāhman idam jagat ;
Brahmanā purva-srishtam hi
Karmabhir varnatām gatam.
Janmanā jāyatē shūdrah,
Samskārad dvi-ja uchyatē
Shūdrēna hi samas tāvad
Yāvad Védē na jāyatē."*

"There is no inherent and ultimate difference between the castes. All are equally the progeny of the Supreme Creator. They have become differentiated only by taking up different avocations. All human beings are born Shudras equally : appropriate education gives to each his second birth."

Manu expressly declares :

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*"Brāhmanah, kshattriyo, varishyah,
Trayo varnāḥ dvi-jātayah ;
Chaturtha éka-jātis tu
Shūdro ; nāsti tu panchamah."*

That is :

"All mankind is classifiable into four classes. The twice-born, i.e., the regenerate, the culturally and vocationally educated, fall into three classes—the men of science, the men of defensive chivalrous valour, the men of trade and business ; the once-born in the uneducable fourth class. There is no fifth anywhere on earth."

Sir, my Honourable and honoured friend, Dr. Khan Sahib, who has grown very dear to me since I have had greater opportunities of observing his simple, earnest, straightforwardness and love of justice and patriotic benevolence of heart, asked my Honourable friend, Babu Baijnath Bajoria, the other day, in this hall, whether Mr., Bajoria was twice-born or once-born. He asked that question humorously, and Mr. Bajoria readily replied that he was twice-born. If I were asked that question, I would not dare to claim so readily that I was twice-born. It is not so easy to be born a second time. Jesus, the Christ, has declared "Unless ye be born again, unless ye become as little children, ye cannot enter the Kingdom of Heaven". Sir, we are all of us very much in purgatory, yet, and not at all prepared to enter the Kingdom of Heaven. In the full sense of the

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term, only they are 'twice-born' who have seen the Great Self, the Universal Self which pervades all life, and who therefore do to others as they would be done by.

Sir, scores of cases are mentioned in the Puranas, of changes of caste, of individuals, of families, and of whole clans or tribes. Scores of cases of inter-caste marriages are also mentioned, so-called *prati-loma* as well as so-called *anu-loma*. *Manu-smriti* and other *Smritis* also declare how, by special character and conduct, persons may change from one caste to another. Always the stress is on the temperament and the vocational aptitude. This ancient and complete scheme of social organization is applicable to any and every country, nation, race, people, without disturbing their special religious creeds or languages or national dresses and other peculiarities, or even the extensive use of machinery. Indeed, it is another of my foolish antiquated, primitive-minded dreams and convictions, that if the scientific psychological principles of that organization were duly followed, the frantic competition and hatred, between individuals as well as nations, which mark and mar the face of modern civilization, would be allayed, and the use of machinery would become largely beneficent, instead of largely maleficent as it is today.

By the simple ceremonial of the "Urātya-Stoma", prescribed in the Vedas, and in accordance with those principles, also indicated in the Vedas, as said before, thousands of tribes were converted, in ancient times, from "Vrātyas" or nomads into "Shālīnas" or "settled" Aryas, in accordance with the Vēda injunction, "Krinudhvam Vishwane Aryane", i.e., "Aryanise the world"; and all were organised into a great cultural and spiritual unity. Today, in every country, we find that same general idea of four-fold classification being followed, but only instinctively and not deliberately, and therefore very imperfectly, or, rather, distortedly, and therefore harmfully. The Clergy, the Nobility, the Commons, the Labourites of the British Parliament, represent the *ālims*, *ā-mils*, *tājirs* and *mazdūrs* of the "Varna-Vyavasthā". The Peasants, Soldiers, and Intellectual Workers and Manual Workers, of the Russian Soviet, do the same.

Such is the true and beneficent nature of the vocational class system, if rightly interpreted. But we see, before our eyes, how the discoveries of science, which should help human life, are being perverted to slaughter it and inflict the greatest misery upon it. God created angels, and the highest promptly became the prince of devils. God created Adam and Eve to be higher than angels, and the Serpent promptly tempted them and made them fall so deep that Cain is always murdering Abel. Even so, this scheme of social organization, known as the "Varna-vyavasthā", intended to bless mankind, has become a curse, through selfish misinterpretation. The interests of the few have become vested; the interests of the many have become divested. Duty has been forgotten; rights are clamant. Equitable distribution of necessities, comforts, luxuries, has disappeared; inequity reigns. Birth, heredity, caste-name are insisted on; worth, individual aptitude, real vocational classification are thrust aside. The Educator, the Protector, the Feeder, has become the Deceiver, the Oppressor, the Swindler. The trustee has made himself the beneficiary. What was intended for the use of all, has been misappropriated by the few. The most carefully constructed laws can always be and are always

being circumvented, and always split on the rock of character—the character of law-applier, of lawyer, of litigant. The one desideratum always, everywhere, is good character ; and that can be created, in all concerned, only by great Spiritual Teachers, primarily, and by spiritual-minded legislators, secondarily, philanthropic, disinterested legislators, who will not fight for any special interests, in the spirit of selfishness, but will concentrate on the right education and the right employment of all, and the promotion of all the just interests of all sections of the people, equally, systematically, comprehensively.

To restore “ Varna-vyavasthā ” to its true significance and purpose, to re-convert it from the curse it has become into the blessing that it was, Swami Dayanand, the most profound scholar of his day in Vedic literature, re-proclaimed the ancient principle of caste-class by *karma* and not by *janma* ; as Buddha, and Mahavira Jina, and other great and venerated reformers, before him, have done from time to time, whenever the exaggeration of heredity, and consequent inequity, became unbearable. Much new light has been thrown by eastern and western orientalist researchers on other aspects of Vedic thought, since the time of Swami Dayanand. But his interpretation of the Vedas, on this point, has not been disproved, has scarcely been challenged, has indeed been confirmed.

The Bill is entirely in accord with that interpretation, which forms a cardinal item in the faith of the Arya Samaj, namely, that caste-class is by occupation, and not by birth. I must not go into further details here. If I had the eloquence to make Mr. Bajoria, Mr. Kabeer-ud-Din Ahmed, and my worthy friend, Mr. Umar Ali Shah, and any other friends here who are not sympathetic to this Bill—if I could make them see that these few principles, which I have indicated, are the real basis of the “ varna-vyavasthā ”, they would at once and gladly cease to object to this Bill, and begin to help, instead of hindering, the Arya Samajists and others, who are endeavouring to re-liberalise and re-rationalise Hinduism, for the promotion of mutual just dealing and good feeling, and the ultimate good of the Indian people as a whole.

Sir, I oppose the amendment, and support the motion that clause 2 stand part of the Bill.

(Mr. Aney at this stage stood up to make his speech.)

Mr. President (The Honourable Sir Abdur Rahim) : Today is Friday, and there are only twenty minutes to one. The Honourable Mr. Aney can make his speech after Lunch.

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

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

Mr. Deputy President (Mr. Akhil Chandra Datta) : Mr. Aney,.....

Mr. M. S. Aney (Berar Representative) : Sir, it is with a great sense.....

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadian Rural) : Before you proceed further, Sir, I wish to raise a point of order.

(There was no quorum for a while and the bell was rung ; after the requisite number of Members entered the Chamber, the Deputy President again called on Mr. Ayyangar to speak.)

Mr. M. Ananthasayanam Ayyangar : The point of order is this. This amendment, Sir, cuts at the very root of the principle of the Bill which has been accepted. The amendment seeks to do two things. These are : " Notwithstanding anything contained in the law, usage or contract to the contrary, no marriage.....".

Mr. Deputy President (Mr. Akhil Chandra Datta) : It has been allowed, and it is under discussion for some time past. I am afraid your point of order is too late.

Mr. M. S. Aney : Sir, it is with a great sense of responsibility and regret that I am rising to make a few observations after the House was treated to a very learned discourse by our revered friend, Dr. Bhagavan Das Ji. On very rare occasions this House gets an opportunity of listening to orations of this kind. We are accustomed to listen to mundane things and humdrum affairs, but serious efforts at clarification of essential ideas which are at the root of religious conceptions of the people are very seldom made and such questions are very seldom discussed in this House. This is not considered to be a place fit for carrying on philosophical discussions of this nature, and the House is always ill-prepared for it, and therefore, not only for the inherent merits of the discourse but also for the novelty it has provided, I regard that speech as one of the noblest performances in this House.

Now, Sir, we have been told what are the fundamental conceptions or ideas that govern the conception of " Varna Vyavastha ", as explained by those who have laid the foundation of Hindu sociology and Hindu social structure, and in expounding the theory of " Varna Vyavastha ", my learned friend has given his own interpretation and his own commentary upon certain texts which were referred to in the course of the discussion today. I do not like to go into the academic discussion of such matters. Possibly, I do not feel myself equal to that task. Let me confess that also very frankly. At the same time, I think it is due to the old Pundits, whose views have been controverted here by the learned speaker, that I should make an attempt to show that the views propounded by those old Pundits are not altogether without foundation. Now, what is the exact position with regard to the meaning of the Vedic texts and the real principles that underlie the social structure of " Varna Vyavastha ", it is difficult for anybody to say.....

Mr. Ghansham Singh Gupta (Central Provinces Hindi Divisions : Non-Muhammadian) : Is there no difference of opinion between the Arya Samajists and the orthodox Hindus already on the interpretation of the word " Varna ", and are not the Arya Samajists interpreting the word " Varna " as meaning other than by birth alone ? Do not the Arya Samajists interpret the word " Varna " as meaning " Guna Karma " ? If this is a fact, is that not a ground to give them relief ?

Mr. M. S. Aney : My friend is entirely mistaken. Let me make my position quite clear at the very beginning. I am not trying to support

the amendment at all. My point is this. Although, it has been my misfortune to rise several times in the course of the discussion on this Bill, and although I had brought forward several motions myself, I do not want the House to be under the impression that I am opposed to the principles embodied in this Bill. That I have made perfectly clear in my first speech, and I want to make that clear today also, but when certain authoritative propositions are laid down by so eminent a scholar as Dr. Bhagavan Das Ji, I think it is only due to those old Pundits, whose views are controverted here, and whom nobody represents in this House, that I should show to the House that there is also another side to the picture. I do not dispute for a moment that the Arya Samajists accept "Varna Vyavastha" in the particular sense in which it has been explained in the learned discourse which we have heard this morning. Nor do I dispute their right to make the interpretation they make, and from that point of view I don't want to say anything against the Bill, but I am not prepared to say that those who propound the other view are wrong, and that they do so without any foundation.....

Mr. Ghansham Singh Gupta : I accept that.

Mr. M. S. Aney : It is only for that purpose I am trying to make a feeble attempt in this House in the name of those old repositories of old learning, which is represented outside, but whose representative is not here, and with due deference to the learned scholars who are here and of whom we have the noblest example here in our revered friend, Dr. Bhagavan Das Ji, in the name of those old Pundits I want to show to the House that there is another side to the picture also. What the Vedas say precisely, I do not know, but it has been the attempt of many modern scholars to show that the present idea of "Varna Vyavastha" as having something to do with the birth of a particular individual has no foundation in Vedas at all. My own idea is that I do not regard this interpretation as a result of any deep research at all. Out of their regard to certain modern principles which have been recognised as sound principles of ethics and universal morality, I say that these modern scholars are carried away more by this doctrine of general morality and accepted philosophical ideas, than by the sense and spirit of the text books. I also think their study of modern ideas gives them a new insight and enables them to see something which probably they could not otherwise see or justify. Thus there is a great likelihood of the texts being viewed in a particular light because of certain new things having been brought to bear upon those who make an attempt to interpret them rather than understand them in the sense they were to be naturally or ordinarily interpreted. This is a possibility which the House should bear in mind. I am not in a position to say definitely which is right. It is difficult to go to the first principles and real objects of the authors of the texts. It has been said without any fear of contradiction that the entire idea of "Varna Vyavastha" having something to do with the birth of a man is a later growth and that it has got no foundation whatever in the Vedas, and the two Shrutis in the Purushasookta have been quoted and interpreted also by my revered friend, Babu Bhagavan Das Ji, to show that the original "Varna Vyavastha" was something different. With due deference to him, I say that "Varna Vyavastha" was probably even considered in the Vedas as having something to do with the birth of a man. It was a kind of status which a man probably acquired at his birth. There are passages in the Vedas which give some ground for a man to propound a theory of this

[Mr. M. S. Aney.]

nature. For example, I shall only recite one mantra, which is probably familiar to those who have something to do with the study of law, describing the well known theory of the three debts,—there is a well known passage of Yajur Veda : it is this :

*“ Jayamano ha vai bramhano sribhir wa rinair rinawan jayate !
Yodnena devebhayah prajaya pitrubhaya bramacharyen rishibhyah !
Soyam nriniyo jajwa putree brahmachareecha ! ! ”*

It means this. Mark the word :

“ A Brahmin, at the time of his birth, comes burdened with a triple debt on his head ; a Brahmin, as soon as he is born, comes with a debt of these three kinds.”

Now, this very Shruti lays down that a man comes with the status of a Brahmin at the time of his birth itself, but without taking this to be the meaning of the whole mantra.....

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) : Sir, the amendment really seeks to eliminate the effects of the Bill.....

Mr. M. S. Aney : I am very sorry to observe that my friend should have taken this objection at the proper time, that is, when my friend, Dr. Bhagavan Das, was discoursing on this.....

Mr. N. V. Gadgil : It was for you to take the objection then.

Mr. M. S. Aney : If you are conniving at that, it is your misfortune that you have to connive at this. Sir, I am anxious to see that this Bill is passed today. That is my anxiety. I am for the Bill, but at the same time I do not want to swallow anything that comes in so long as I am not prepared to believe it as a correct thing. I am only trying to put the other side of the picture. I have cited this one mantra to show that even in the Vedas there are certain passages which indicate that they used to recognise a certain status to a man by reason of his birth. On account of his later Karma, his status may have been altered, but that he belonged to a particular Varna at the time of his birth cannot be disputed for a moment. And what did the great mantra of Purusha Sookta say, and to which my friend, Dr. Bhagavan Das Ji, referred. The whole creation is explained as that coming out of the sacrifice of a great Purusha which is described in the very first Rik of the Sookta, “ Sahasra Sheersha Purusha ”,—meaning hydra-headed or million-headed Purusha as it has been translated. I accept that translation of the term. Then in the 3rd Anuvak, the question is asked “ in what manner this great Purusha divided himself into many parts ”. Then comes in the mantra, which gives the answer and which has been recited here. The meaning of that mantra is that the Brahmin came out of his mouth, the Kshatriya was born out of his arms, the Sudra from his legs and Vaisha from his thighs. Now, this is a language which admits of being interpreted in different ways. There is nothing in this mantra to describe it as a social structure of four-fold classes that has come into existence only on account of classification being made in accordance with temperament, occupation, profession, and so on of the persons born out of that Purusha. However, it is very difficult to enter into a discussion of these things, and quotations can be multiplied in support of either interpretations. But I want to assure the House one thing. We are discussing matter-of-fact things, things which exist today and with which we are concerned. We find that

there are certain anomalies which require to be remedied, there are certain defects which require to be cured, there are certain kinds of blemishes of a definite nature which have crept into the body politic and which require to be removed. But in discussing all these things, you must constantly bear in mind one thing, *viz.*, the fundamental ideas on which the Hindu law itself is based. My friend, Dr. Bhagavan Das, said that on account of certain entirely misleading interpretations put upon these ancient passages by modern writers and the distorted ideas formed of Varna Vyavastha, a kind of disorder and anarchy has been enacted and he seems to be out to cure it. Sir, I warn my friends here to be under no delusion of this kind. We are not here to cure Hinduism of such defects as Varna Vyavastha has been held responsible for. If you are out to cure them, you cannot say that you are out for a limited purpose. You must confine yourself to the limited position. You have no brief to give any large order to this House. I am not here to reform Muhammadanism, I am not here to reform Christianity or any other religion. With all the respect that I am capable of giving to a great man like Babu Bhagavan Das for the great services he has rendered to the cause of Hinduism, I submit he is wrong in asking this House to accept his interpretation of the texts. I have great respect for him as a thinker and philosopher, and my esteem and regard for him have remained undiminished even after his cessation from the Theosophical Society, but with all my respect for him, I feel that he has no business to ask for a reform in one of the fundamental conceptions of Hinduism by interpreting the texts in the way he has attempted to interpret today. Sir, Hinduism has grown without the aid of any political authority. Hinduism has prospered without the assistance of any political power, and I assure my friend that, notwithstanding all the efforts of that political power to crush Hinduism, it has survived and it will survive, on account of its inherent strength, on account of its intrinsic merits, on account of certain sublime principle on which the whole thing stands. Hinduism does not need the support of any petty reforms and Bills of any kind. At the same time, I say that certain blemishes and defects which have crept into the Hindu society may be cured and remedied, and unless you take the view that this Bill is confined to the curing of such a particular kind of evil which has crept into the body politic, you are not entitled to claim the indulgence of this House and also to claim the vote of this House. I only hope, therefore, that the House will agree that this Bill is intended to meet certain difficulties that are facing my brethren, the Arya Samajists. Whether the entire body of views on which the Arya Samajist is based is correct or not is a question into which I need not go. I would only say this, that a great man, a great Rishi came into this world and founded a religious sect with a large number of followers who have now formed themselves into a community which has come to stay in this country, which has a right to work according to its own light, which has a claim upon the sympathy of the Hindus in general for the many services they have rendered. Whether they should come forward with a Bill of this nature or not may still be a matter of opinion with some. But if you look at the question from that point of view, I have no doubt that they have a case, and for that purpose we are going to support the Bill. But the point I was driving at was this. There are certain conceptions of Hindu law on which the whole Hindu society is based, and those conceptions, those principles and those rights of inheritance and succession are all based upon certain conceptions of the Hindu law as laid down by Manu,

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and Yajñavalkya. It may be that Manu's interpretation may be deemed wrong, by some, it may be something different from that of the Vedas, but there is no gainsaying the fact, if we look at the texts of Manu and the various slokas that he accepts, rightly or wrongly, that the theory of Varna Vyavastha has something to do with the birth of a man, and the whole of the Hindu law is more or less based upon that theory.

Varna cannot be changed from day to day according to the occupation of a man, but *Varna* is a thing which a man can claim on account of his birth. It is for that reason that rules have been laid down for the son of a Brahmin to be initiated at a particular age, and the son of a Vaishya and of a Kshatriya at a particular age. These have been laid down differently for the different *varnas*. How can you explain them except on the hypothesis that they take *varna* as going along with the birth of a man? It may be that the *varna* may be changed later on on account of the *karma* of a man, in certain exceptional cases, but for a certain stage of his life it is his birth that gives him a certain status which goes by the name of *varna*. I do not want to go into all these things now but I want to say that if you want to be governed by that law it unfortunately claims as its basis the theory of *varna* based on birth. If that central fact is borne in mind then you can understand to what lengths you can go and at what limits you must stop in asking for a particular reform. I would have liked Dr. Bhagavan Das to discuss this question more from the practical point of view rather than take us into the higher regions of philosophy where very few of us know how to soar. We have not got those wings and what wings we had, have been clipped now. It is given to very few men like Dr. Bhagavan Das who by dint of their imagination can soar into ethereal regions and move about there for a long time and then come down to earth when they like. We have to move on all fours and we are in the midst of serious difficulties and impediments that are thrown across our way. For ourselves we must go by the idea which has been laid down there. I am perfectly satisfied that the Bill is confined to the particular topic of certain defects and from that point of view if we are going to give some relief to the Arya Samajists I do not understand, with all the admiration I have got for the energy of my Honourable friend, why my friend, Mr. Bajoria, is fighting for this particular amendment in this Bill. If you are prepared to give some relief to the Arya Samajists in the matter of marriage then do not deny that in the case of those marriages which have taken place before. If we leave those as invalid marriages and illegal unions, that is not desirable at all. In order to avoid that unseemly spectacle of men and women moving and living together in intimacy without being legally married and mixing promiscuously, which no moral man can tolerate for one minute, you must find some remedy and get rid of that undesirable spectacle. If you are prepared to make an allowance for and legalise inter-caste marriages, you must also take care of those who have committed that mistake before and do not allow them to suffer permanently for that mistake. So far as not giving retrospective effect to this Bill is concerned, I must say that I cannot be a party to that proposal. With these few remarks I oppose that amendment but at the same time I wish to apologise to the revered Dr. Bhagavan Das for whatever I have said and whatever more I would have liked to say. I would have liked to try to give a definition of religion. I do not want to give the definitions which may

be found in the *Mahabharata* and other books which have little to do with Dharmashastra as such. These are definitions that have to be excluded from our minds. You must go to the fountain-head of *Dharma-Shastra* itself and for that you have to go back to Jaimini. It is a book in which the question of *dharma* is discussed from the scientific point of view. Jaimini defines *Dharma* : "*chodana lakshna arthah*"—what manifests itself as a scriptural command is *Dharma*. It is on the basis of that that all the commentators later on have expounded their theory and tried to interpret in the light of the canons laid down by Jaimini the various texts of *Dharma Shastra* and *Sutras*. I should have liked to expostulate and dilate upon *dharma* in that particular aspect, but I am sure I would have taken this House into a diversion which may not have appealed to them but would have been on the other hand most embarrassing to some of them. I would have made confusion worse confounded rather than added to their light. Already the other day when I made an interruption my friend, Mr. Gadgil, said that it gave more of heat than light.

Mr. N. V. Gadgil : That was about the interruption then.

Mr. M. S. Aney : So I find that even when I want to give light I cannot do it and give only heat. So I do not want to add anything more to the heat of the House. However, my intervention in this debate was mainly to show that although I cannot but admire the great ingeniousness with which his theories were expounded by Dr. Bhagavan Das and the support he has got for his fundamental theories and principles, I want this House to bear in mind the fact that the ancient Pandits had theories of their own which can be propounded with equal learning, with equal authority and equal erudition. That is the other side of the picture and they have also a case that can be properly put forth. If I have been able to convey this idea to this House even in a small measure, then I have done my duty. I will conclude in the language of the wizard, the border-minstrel of Scott of old :

"If one heart throbs higher at its sway

The wizard note has not been touched in vain."

Sir, I oppose the amendment.

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : Sir, I have to make just a few remarks which I hope the House will listen with attention. Thank God, there is a great awakening in the country among all its people and they realise that many things had been done in the past to which they object ; many things which they want to put right in their own circles, so that the country may walk along the path of progress. This House and later on the House under the new constitution will have many opportunities of discussing social reform and social Bills and many urgent matters ; correct many mistakes that have been made in the past, concerning Hindus, Muslims and other people. They would like to have these corrected and the law changed so that it would satisfy the convictions of all the people. Even in this Session there are so many social reform Bills, some proposed by our Hindu brothers and some proposed by Muslims, and I want that we in this Assembly should deal with these questions with great respect, dignity and patience. If we go out, and criticise something in the Hindu faith—it is not my faith but there are millions of people in this country who believe in it, *it will not be right to interfere*. The *Qoran* commands me to respect other faiths. "*Lakum dimakuni, wa liya din* " (to you your faith, to me mine). During

[Maulana Shaukat Ali.]

discussions in this House, there may be things which seem strange to me but they are not strange to millions of people in this country, I should not deal with them with urban levity. I have a perfect right to go and preach and explain my faith and discuss things with people of other faiths so that we may come to a common understanding. But I do not think it is right that when in this House a reform is introduced by people of one faith, the people of other faiths should intervene when it does not concern them at all and say things that will only hurt and probably make things worse for everybody. This is my conviction and I feel I am right and I would like to recommend it to my Muslim and Hindu brethren and to others also. If there is a Bill being brought in by the Muslims and it concerns no one else but the Muslims, then the discussion—if unfortunately there has to be discussion here—must be left to the Muslims to say what they like : and the same if it concerns Hindus or Christians or Parsis. If it does not concern me at all and I do not know anything about another faith, it is futile on my part to attempt to take part in the discussion. I have heard with great respect both my revered brother, Dr. Bhagavan Das Ji, and my friend, Mr. Aney : both have put forth their points of view : it is not for me to intervene as I do not know enough ; it is a matter for the millions who live by these convictions to decide what is best for them. You cannot decide those convictions simply by the votes of a man who may be carried away by the eloquence of one or the learning of another : it should be left to the people of that community to decide in matters of faith. My sympathies may be on one side or the other : there are some social reform Bills which I hope my Hindu brethren will unanimously accept : there are some social reform Bills which I hope will be accepted unanimously by all Moslems. It would not be right for me, though it may appeal to me, to attempt to say anything. It may not appeal to the vast majority of the people who profess that faith ; and I do not think this House and specially people of other faiths should intervene and make things worse for the country, bad as they are today. Therefore in all humility, I suggest that in these matters we should be very careful how we proceed. I have the fullest sympathy with the Arya Samajists in this Bill.

Sardar Sant Singh : What about the amendment ?

Maulana Shaukat Ali : I have got my convictions. Toleration is all very well : toleration means that while you do not throw overboard your own convictions, you respect the other point of view, it means that though you differ from the other man, yet you give him the liberty to live his own life according to his own convictions. I think it will be wrong for any Muslim to go and expect for the sake of personal friendship or political influence that any one should go against his own convictions knowing very well that it was not sanctioned by his faith, just to please the other, from either strength or weakness. I think it would be weakness and I do not want any people to be weak. As far as the Hindus are concerned, the matter must be left over to the Hindus amongst whom are the Arya Samajists. Let them settle it among themselves, and when they have come to a settlement, I shall give them my blessing if it does not hurt me. If I have got any matter of my faith and I come to this House and we the Muslims are agreed outside and inside, then I think others will, if it does not affect them at all, do likewise. But if it affects the faith of any man—Hindu, Christian, Parsi or other, then it is the duty of a

man to speak out honestly and frankly and with conviction. If this Bill was confined only to marriages between Hindus and Hindus, I might have kept back and said nothing because I do not know enough about it and I do not understand and it is not right on my part to intervene, though I may have my own sympathies, to take sides.....

Mr. N. M. Joshi (Nominated Non-Official) : What is the amendment ?

Maulana Shaukat Ali : I am only giving general principles—I am not talking on any amendment. My friend (Sardar Sant Singh) asked me “What about the amendment ?” There is an amendment also in the name of Sir Muhammad Yakub and Syed Murtuza Sahib.....

An Honourable Member : They are not before the House.

Maulana Shaukat Ali : My friends over there do not understand these things probably : they have no convictions of their own and they think it very nice to laugh over these matters and make jokes about it. But I take it very seriously. I only want to express to my Muslim brothers that in matters coming before this House like this, we must do nothing to make things worse than they are. Let the men who know all about it and whom it concerns settle among themselves ; but others whom it does not affect, let them keep out of it because otherwise they will get what they give and this House will become a cockpit for bickerings and quarrelling. Therefore I do say this : that as far as we Muslims are concerned, if a thing does not concern us, I think we ought to keep quiet and wish the Hindus luck and we hope that they will agree among themselves, and that when the time comes and we ourselves want any mistake corrected then they will give us their sympathy and support as we gave it to them.

Mr. M. Asaf Ali (Delhi : General) : Sir, I move that the question be now put.

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

“That for clause 2 of the Bill, the following be substituted :

‘2. Notwithstanding any law, usage or custom to the contrary, no marriage contracted after the commencement of this Act between two persons being at the time of the marriage Arya Samajists shall be invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus or that both the parties at any time belonged to a religion other than Hinduism.’”

The motion was negatived.

Babu Pajinath Bajoria (Marwari Association : Indian Commerce) : I do not move No. 13. I move No. 14.

Mr. G. H. Spence (Secretary ; Legislative Department) : On a point of order. Before the Honourable Member moves No. 14, I ask your ruling whether he should be allowed to do so. The amendment which has just been disposed of sought to make three changes in the original clause. The first was the change sought to be made separately by the Honourable Member's amendment No. 14, the second was the change sought to be made separately by his amendment No. 15, and the third was on another point on which he has not given notice of a separate amendment. I submit that the House did not agree to his making these three changes in the clause, and that he should not be allowed to

[Mr. G. H. Spence.]

effect the same purpose by moving amendments separately. The three points have been disposed of by the amendment which has been discussed, if I may say so, *ad nauseam*, and which has been negatived, and I submit that he should not be allowed to bring them up again separately by separate amendments.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Before we come to amendment No. 14, there are two other amendments. Mr. Kazmi, No. 1 in the Supplementary list.

(The Member was absent.) ?

Then we come to amendment No. 14 on the original list to which objection has been taken.

Babu Baijnath Bajoria : My amendment No. 12 wanted to consider changes in the Bill. First was about this retrospective effect and then there was that "either or both of the parties at any time belonged to a religion other than Hinduism". The House has not accepted the whole amendment as I have it in No. 12. This amendment No. 14 only wants that retrospective effect should not be given. The House may agree to retrospective effect not being given, and so I think the amendment is in order.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : The amendment is entirely out of order. If you will look at the clause itself and compare it with the language of the amendment No. 12, you will see that exactly these words had been omitted from the body of the clause. The clause as it is runs thus :

"Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act...."

That is how this clause runs. Now, kindly look at the amendment :

"Notwithstanding any law usage or custom to the contrary, no marriage contracted after the commencement of this Act...."

That is, the words "whether before or" have been omitted from the original clause, and now he wants by No. 14 to omit the same words "whether before or", which cannot be allowed, amendment No. 12 having been negatived.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Amendment

3 P.M.

No. 14 is covered by amendment No. 12 which has been disposed of. Therefore, it is out of order. So also amendment No. 15. Nos. 3 and 4 on the supplementary list also go. Amendment No. 16 on the original list.

(Mr. Kazmi was absent.)

Amendment No. 17. Sir Muhammad Yakub.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions) : Muhammadan Rural) (Sir, I move :

"That in clause 2 of the Bill, the words "or that either or both of the parties at any time belonged to a religion other than Hinduism" be omitted."

Mr. Deputy President, we are now at the threshold of a very historic turning point in the annals of the British Empire in India. The

new reforms will soon be ushered in, which it is expected will give some responsibility, at least in the provinces, to the people of this country.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhâmmadan Rural) : You will be disappointed.

Sir Muhammad Yakub : I have been disappointed with you all so many times that I will not care for any other disappointment, but I appeal to you that you will let me speak and not be impatient.

(At this stage, Mr. Paliwal interrupted.)

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member should not interrupt. Let the speaker go on.

Sir Muhammad Yakub : Let us not, therefore, at this stage create an impression in the minds of any section of the people in this country that when democracy takes its roots in India the minorities will suffer at the hands of the majority. Let us not create any impression in the minds of any section of the people that their religion or their religious rights will be interfered with by a mixed Assembly like this. Let us not create the impression that the solemn pledges which were given to the people of this country by the late Queen Victoria in 1858, that the religions of the people would be respected and that in matters of marriage, dowry, inheritance and other matters of this nature they would be governed by their own laws.

Pandit Lakshmi Kanta Maitra : That is more honoured in the breach than in the observance.

Sir Muhammad Yakub : Let us not create any impression like this.

Sardar Sant Singh : May I interrupt my Honourable friend....

Sir Muhammad Yakub : I do not give way, I do not want to give way. My Honourable friend, Sardar Sant Singh, made a very sweeping remark this morning in his speech, in fact, he was treading on very dangerous ground when he said that there must be a uniformity of religious laws for all the people inhabiting this land. It may be so in the case of those who believe in man-made religions, but we the Mussalmans do not believe in man-made religion. We believe in a religion which our Apostle brought from God, and we still believe that—

“Lā ratabin wa lā yabisin illa fee kitabim mubeen ”

“There is nothing dry or wet on the face of this earth which cannot be found in the Holy Quran.”

Therefore, whatever may be the feelings or whatever may be the ambitions of the so-called reformers, we the Mussalmans in matters of our religion do not want that any reform should be introduced in our religion, through any legislation, on the floor of this House, which is a mixed Assembly. So far as caste or creed is concerned, we believe in none. Islam was the first religion which introduced the principles of equality of human race on this earth. Our Holy Quran says :

“Inna akramakum indalahe atakum.”

“The most superior man amongst you is one who is most virtuous among you.”—to whatever class he may belong. We believe in no caste. Even a Muslim sweeper can stand shoulder to shoulder with the highest amongst us in a mosque and offer prayers. So far as social reform is concerned

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and so far as equality of human race is concerned, I can say, with pride, that Islam still goes ahead of every social reformer in this world. The rights and privileges which we have given to women, no other religion, and no social reform has yet been able to give them up to this time. .]

Mr. K. Ahmed : What about purdah ? (Laughter.)

Sir Muhammad Yakub : Islam was never vanquished by any other people, but we have always suffered at the hands of the ignorant amongst ourselves, and, therefore, let us not look at the man says Ali, but look at what the man says :

"La tanzur elamanqālā va Lakinn unzur ela maqāl."

We must see what is said and we must not look at the man who utters something from his mouth without knowing what it means.

Now, Sir, as regards marriage reforms also we have got no restrictions. A Muslim can marry a woman of any caste, and then we have been told—

"Va aasheruhunna bil maroof."

'You must treat your women with kindness and politeness.'

So far as treatment of wives or women is concerned, we do not want any social reform from anybody outside our own religion.

Now, Sir, as regards adultery, I must say . . .)

Mr. N. M. Joshi : On a point of order. May I ask you whether we are not entitled to ask the Member to speak to the amendment ? We have not heard anything about the amendment so far.

Sir Muhammad Yakub : You have not yet heard me speak, and, therefore, you do not know what is relevant.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Much more latitude has been given to speakers, and, therefore, I do not think I should stand in the way of the Honourable Member.

Sir Muhammad Yakub : We heard Dr. Bhagvan Das giving a nice lecture on this point. What I wanted to say is that adultery is considered as the worst of crimes in the eyes of Islam, even a greater crime than murder, and the punishment which Islam inflicts for adultery is much greater and more severe than the punishment which Islam ordains for a murderer. So much for reforms in our religion. Now, we Mussalmans do not want that our religion should be interfered with in any way by any piece of legislation in this House. We will not come in the way of any community, or section of the people who think that their religion needs reforms at the hands of this Assembly. We do not want to become a stumbling block in the progress of anybody in this House. Now, the Bill as it runs has created a grave doubt in the minds of the Muslims that this Bill when it is put on the Statute-book will cover the cases of the Mussalmans, and also of Christians, Jews and other non-Hindus. The words are "or that either or both of the parties at any time belonged to a religion other than Hinduism". Islam, Christianity and Judaism are all religions other than Hinduism and therefore it is quite clear that all the people belonging to any of these religions will come within the mischief of this Bill. I am not alone in the view which I have taken on this question. Some great Muslim jurists, like Mr. Justice Niamatullah of

the Allahabad High Court, who has a reputation for being a great constitutional lawyer, hold the same opinion. He says, giving his opinion on this Bill :

" The Bill, as it stands, aims at much wider scope being given to the proposed legislation. Section 3 provides that the marriage of an Arya Samaj, apparently male or female, with a person of ' different religion ' shall be valid, any law or usage or custom to the contrary notwithstanding. It follows that the personal law of all other communities is to be abrogated in cases of mixed marriages of the kind this Bill seeks to legalise. A marriage between a Muhammadan or Christian and an Arya Samajist is to be deemed to be valid in case the inheritance from the Muhammadan or the Christian is in question. According to the personal law of the propositus the rule of inheritance applicable in his case excludes the husband or wife as the case may be and the children born of such union but this Bill would so far supersede that law as to make the marriage valid and entitle the husband or wife and the offspring of that marriage to inherit. I entertain serious doubts if the other communities will agree to their own laws being interfered with in the manner desired by the mover of the Bill."

Mr. Ghanhiam Singh Gupta : Is this the opinion given by the Judge on the Bill as introduced or on the Bill as it was introduced by Mr. Mukhtar Singh ?

Sir Muhammad Yakub : Unfortunately, as I complained on the floor of the House, this Bill was never circulated for obtaining public opinion, which ought to have been done, but in this respect clause 2 of the present Bill and the provision in Mr. Mukhtar Singh's Bill are the same and therefore the opinion expressed by the learned judge is equally applicable to the present case. . . .

Mr. Ghanshiam Singh Gupta : Will the Honourable Member read from Mr. Mukhtar Singh's Bill ?

Sir Muhammad Yakub : I have read that. Later on Justice Niamat-ullah says :

" On the whole I do not think any legislation on these is called for. Under the existing law civil marriages are permissible within certain limits on certain formalities being observed. Marriages between persons of different religions should be in accordance with that law. As for Arya Samajists belonging to different castes a properly drafted Bill will have to be introduced ; the present one cannot be so amended as to make it innocuous."

With your permission, I will now read a small passage from the opinion of the Chief Justice of the Allahabad High Court, the Honourable Mr. Justice Sir Shah Sulaiman. Let us see what he says. This is on page 7 of the Opinions :

" The draft Bill goes beyond the Statement of Objects and Reasons. While the latter as explained in the speeches is confined to followers of the Hindu religion, clause 3 would apply to people belonging to other religions also. Even assuming that the Bill would be modified so as to apply to Hindus exclusively, the proposed enactment would be unjust to the members of the other religious persuasions. It seems unfair to lay down that a member of a family of a relative dependent on or a person under the guardianship of any Arya Samajist should necessarily mean an Arya Samajist for the purposes of this Act."

and then, again, he says something about clause 3, with which we are not dealing at present. Then, Sir, at the end of the page he says—

" Clause 3, if enacted, would also be in conflict with other religious laws and will abrogate them. I am therefore strongly opposed to the Bill in the form in which it stands at present."

Then, Sir, the late Mr. Justice Mohammad Raza, a Judge of the Chief Court, Lucknow, also says :

" I am not in favour of this Bill."

[Sir Muhammad Yakub.]

Then, Sir, this is an opinion from the Bar Association, Merkara : it is printed on page 5 of the opinions.

" But the Bill, as it is drafted, does affect other communities and their laws and in the guise of giving validity to the marriage of Arya Samajists, the interests and laws of other communities should not be affected. As the marriage has to get validity from legislation, it has to be found out whether according to the usage of Arya Samajists the marriage is only a contractual relationship, revocable by either husband or wife or both, or a sacrament lasting for ever, as among high-class Hindus, and, if the former, proper laws for the dissolution thereof should also be provided in the Act itself, for it to be a self-sufficient Act. Further, apart from the status of marriage as according to Arya Samajists even a Muslim woman can become a convert to an Arya Samajist, and as many women are sharers of residuaries in Muhammadan law, and as they will lose their rights to the properties by succession on account of Act XXI of 1850, and even their children or other heirs will be entitled to claim their shares, provisions have to be made in the Bill for inheritance, as different religions have different system of inheritance."

Then, Sir, on page 4 there is the opinion from the Chief Commissioner of Coorg. He says :

" The Bill in its present form affords undesirable opportunities to unscrupulous persons to take advantage of its provisions."

Exactly what we are afraid of !

Then, Sir, from the North-West Frontier Province, which is a pre-eminently Muslim Province, we have got the following opinion : this is from the Chief Commissioner of the N.-W. F. Province, published on page 2 of the Opinions.

Dr. Khan Sahib (North-West Frontier Province : General) : There is no Chief Commissioner now.

Sir Muhammad Yakub : There was a Chief Commissioner when these opinions were obtained ; that was in 1931. Let me remind my friend that these opinions were collected on Mr. Mukhtar Singh's Bill. The Chief Commissioner says :

" As it stands, it (the Bill) has aroused considerable resentment in the Muhammadan community owing to the existence of the words ' or to different religions ' in section 3."

It has been taken that these words will validate the marriage of an Arya Samajist and a Mussalman woman—a marriage which is prohibited by Muhammadan law. This is not I think the intention of the drafter of the Bill, nor can it be properly read into the wording of clause 3. This clause should, in my opinion, however, be re-drafted in order to remove any possible objection.

Mr. Ghansham Singh Gupta : Will you please read the suggested redraft ?

Sir Muhammad Yakub : Probably you can do it ; I need not take much time of the House. So far as the records of the opinions which have been collected are concerned, and as I have also submitted, a very large number of the Mussalmans did not take any interest in this Bill and did not care to give their opinions because, obviously, they thought they were not affected, and they were in fact misled by the heading of the Bill they thought it did not concern them and that therefore they need not go into its details. Since this Bill has been debated on the floor of this House, I have seen a number of Muslim vernacular papers in

which the Ulemas or the jurists of Muslim law have expressed grave doubts about the applicability of this clause to the Muslims, and we, the Muslim representatives in this House, have been asked to take care that the Bill should not be passed in a form which might arouse any suspicion that it would affect their religion. It may be said, Sir, that this word is here and that word is there and therefore it will not affect Muslims or that it will not place the Muslims in a worse position than they are in at present. But I submit—"why do you add another avenue for suspicion?" Why create the feeling in the minds of Muslims—they may be wrong but the feeling is there, and the feeling is—that when democracy will be introduced in this country, when matters will be decided by the raising of hands or by casting votes in the lobby (Laughter), not only the political and social rights of Muslims but also their religion will be interfered with; and this is a great impediment to the progress of our country. It retards our progress; its effect is that both the communities cannot march shoulder to shoulder towards their united goal. It is on account of these suspicions that instead of going nearer and nearer to our political goal we are going farther and farther every day. Therefore, I humbly, and most sincerely, appeal to my brethren, belonging to the majority community, that they should have a little toleration. We are a conservative people and we do not want to become reformers. It may not be a reality but why should anything be done which might create any suspicion in the minds of the Mussalmans. The Mussalman is very touchy about his religion. Therefore, why should you do anything which will create any suspicion in the mind of the Mussalman that his religion will not be safe when democracy rules over this land.

Now, Sir, I want to say a word about the attitude of the Government. I submit, as I submitted the other day, that Sir B. L. Mitter on behalf of the Government laid down the policy of the Government in matters like these. With your permission I will read a few lines from what Sir B. L. Mitter said. He made these remarks in the debate on the Special Marriage (Amendment) Bill and they will be found in Volume I of 1931 of the Assembly Debates, page 595. This is what he said:

"It is a fixed principle of the Government of India not to interfere in any way whatsoever with the personal laws and customs of the different people of India unless they have very strong and conclusive evidence that the change is desired by the people who are affected."

Now, Sir, I would request the Government, through you, to tell me if there is any conclusive evidence that the people, even the Hindus, who are to be affected by this Bill, are unanimous. The way in which my learned friend, Mr. Aney, has advocated the cause of ancient Hinduism and the way in which my friend, Mr. Bajoria, has fought for it...)

Mr. N. V. Gadgil: He is also learned.

Sir Muhammad Yakub: Of course, he is learned in his own line; he knows something about the old teaching of the Hindu religion. He may not claim himself to be a reformer and he may not be one of those who want that the old principles laid down by Manu should be tampered with in this Assembly at the hands of my friends over there.¹⁰ So, Sir, the way in which Honourable Members have spoken, against each other, clearly shows the way in which the wind is blowing. It clearly shows that there is a great divergence of opinion amongst the Hindus themselves about this Bill. Therefore, the Government can never be justified

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in supporting a measure which, instead of creating harmony, is calculated to create divergence and disunity among the different sections of the community.

Then, again, only in 1934, when the Temple Entry Bill was introduced in this House, the same principle was repeated by the Honourable Sir Henry Craik, the present Home Member of the Government of India. His remarks will be found in Vol. 8 of the Assembly Debates of 1934, page 2011. He said :

“ Further, we oppose the Bill on the ground that it is contrary to the wishes of the great majority of the people whom it will affect and that it has only the lukewarm support of the people for whose benefit it is ostensibly intended.”

Exactly the same is the case with this Bill. It is only for the purpose of satisfying a handful of that section of the Hindus, who call themselves Arya Samajists, that this Bill has been brought forward in this House and I submit that it is not right and proper for the Government to support a measure like this. As my learned friend, Mr. Shaukat Ali, has just explained to the House, in matters like this Honourable Members belonging to another religion should not interfere in matters which do not relate to their religion. If the Bill were confined only to the Arya Samajists, I would have been the last man to come in the way of its progress. I would again appeal to my friends through you, Sir, that they should not bring forward measures like this in this House. These small and ticklish matters have become the stumbling-blocks in the way of our progress and therefore for goodness' sake do not create an unhealthy atmosphere for the establishment of democracy in this country and do not insist upon passing the measure in the form in which it has been placed before this House. With these words, I commend my amendment for the acceptance of the House.] X

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

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

“ That in clause 2 of the Bill, the words ‘ or that either or both of the parties at any time belonged to a religion other than Hinduism ’ be omitted.”

Mr. M. Asaf Ali : Sir, I had not the slightest desire to intervene in this debate until I heard my learned friend, Sir Muhammad Yakub, proposing his amendment. As a matter of fact, I thought that it was a measure which was entirely and exclusively the concern of the Hindu community—in fact, not even of the Hindu community but only of the Arya Samajist community. But it appears that somehow not only the Hindus, who are not Arya Samajists, have taken a deep interest in it but even my learned friend, Sir Muhammad Yakub, has found something in it which he considers objectionable, and, therefore, he has proposed his amendment. Confining myself entirely and absolutely to the amendment proposed by Sir Muhammad Yakub, I would like to draw the attention of the House to the actual wording of the Bill which is now before the House and I would like to compare it with the wording of the Bill on which opinions were invited some time ago and to which

reference has been made by Sir Muhammad Yakub. Originally, I understand, it was Chaudhry Mukhtiar Singh who sponsored a Bill along the same lines. Clause 3 of the former Bill ran as follows :

“ No marriage of an Arya Samajist shall be invalid by reason of the couple having belonged to different castes or sub-castes of Hindus or to different religions, any law or usage or custom to the contrary notwithstanding.”

Now, it is perfectly obvious that this clause as it stood at the time, it was certainly objectionable because according to this clause one party to the marriage might have been an Arya Samajist and the other party might belong to any other religion.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Does it not refer to marriage between two Arya Samajists ?

Mr. M. Asaf Ali : It says : “ No marriage of an Arya Samajist shall be invalid by reason of,” etc.

The Honourable Sir Muhammad Zaf-ullah Khan : I beg your pardon.

Mr. M. Asaf Ali : It is perfectly obvious that according to the old Bill one party might have been an Arya Samajist and another might have belonged to some other religion, and therefore it was certainly objectionable. That is why all the opinions which my Honourable friend, Sir Muhammad Yakub, has recited or quoted in this House are inapplicable because the clause as now drafted stands as follows :

“ Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act between two persons being at the time of the marriage Arya Samajists.....”

In other words, the two persons contemplated by this clause must be Arya Samajists at the time of marriage. Only their marriage will be considered valid.

Sir Muhammad Yakub : A convert Muslim woman when she becomes an Arya Samajist, her marriage would be valid ?

Mr. M. Asaf Ali : There is nobody to prevent my Honourable friend or any other person from becoming an Arya Samajist. If a genuine convert at the time of the marriage happens to be an Arya Samajist and the other party also is an Arya Samajist, I see absolutely no objection whatsoever to this Bill from the point of view of a Muhammadan. I do not see how the Muslims or any other persons come into the picture at all. In fact, I think all the objections raised by my Honourable friend, Babu Baijnath Bajoria, and even the objections—and here I am speaking with great deference to the opinions held by my Honourable friend, Mr. Aney—expressed by Mr. Aney have no force, I say that even the Hindus do not come into the picture at all. The general body of Hindus do not come in at all, it is only the Arya Samajists who are concerned.

Babu Baijnath Bajoria : What is the definition of a “ Hindu ” ?

Mr. M. Asaf Ali : The Honourable Member does not come into it at all. It refers only to two Arya Samajists at the time of marriage, who want to see that their marriage is considered valid simply because they happen to be Arya Samajists at the time. There is no other point involved in it and all the amendments now proposed are beside the point. All the amendments are merely the result of suspicion, a suspicion which is not based on reason. I really fear that we have wasted two

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valuable days which might have been devoted to some better work, which might have been devoted to the consideration and perhaps the passage of other social measures. Due to this unnecessary suspicion, we have wasted two precious days.

Mr. K. Ahmed : What is the significance in the expression "before or after" ?

Mr. M. Asaf Ali : Before or after makes absolutely no difference whatever. If the Honourable Member is a lawyer—I believe he is a lawyer, at any rate he claims to be a lawyer of some eminence—he ought to read this clause a little more carefully, and arrive at the conclusion to which any other lawyer, would come if he knows what law means, what legal language means. I will now read the clause for the benefit of those Honourable Members who still seem to have a lurking suspicion in their minds. Clause 2 reads :

"Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act between two persons being at the time of the marriage Arya Samajists shall be invalid or shall be deemed ever to have been invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus...."

Now to my mind it is perfectly clear that.....

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official) : May I ask the Honourable Member some explanation for this. What is the special significance of the phrase 'either or both of the parties at any time belonged to a religion other than Hinduism' ? Does it not affect Islam, Christianity and other religions ? If those words do not affect the other religions, then we have no quarrel with the Bill. If they do affect other religions, then what is the use of retaining those words ?

Mr. M. Asaf Ali : I welcome this question because it only enables me to elucidate the point a little further. I would request the Honourable Member to listen to me a little patiently. I shall try my level best to explain to the best of my ability the significance of these words, whether I succeed in convincing my Honourable friend or not is a different matter. Now, Sir, I was just saying that to my mind it is perfectly clear that if the Honourable the Mover of the Bill had omitted those words, 'by reason only etc.', he would really have avoided a great deal of controversy. In no way to my mind the omission of those words reduces the value of the Bill or in any way reduces the scope and the object the Mover had in his mind. But taking these words, as they are, they are purely explanatory and nothing more.

Sir Muhammad Yakub : Then, better omit those words.

Mr. M. Asaf Ali : It is no use deleting them now. The Government have accepted it and the Government are supporting the Bill.

Sir Muhammad Yakub : Then anything that the Government accept, you will accept.

Mr. M. Asaf Ali : The day is not far when we ourselves may be the Government and you may have to do what you are doing now.

Sir Muhammad Yakub : If you bring forward Bills like this, you will never reach your goal.

Mr. M. Asaf Ali : I need not pay any more attention to that. I am addressing myself now to the particular portion of this clause to which my attention was drawn by my Honourable friend, Major Nawab Ahmad Nawaz Khan. The clause says :

“ . . . two persons being at the time of the marriage Arya Samajists shall be invalid or shall be deemed ever to have been invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus or that either or both of the parties at any time belonged to a religion other than Hinduism.”

They might be converts from Islam or from Christianity or from any other religion, but at the time of contracting the marriage both of them must be Arya Samajists, genuine or otherwise.

The Honourable Sir Muhammad Zafrullah Khan : May I ask the Honourable Member purely for the purpose of elucidation, not for the purpose of heckling or trying to create any difficulty. Perhaps it may be that the Honourable Member who is now speaking on the matter may not be able to give a categorical reply to what I am about to ask him in which case some subsequent speaker might be able to give me an answer. The Bill as it appears to me is mostly declaratory in character. What is the position at present of a marriage of that kind. Supposing this Bill were not to become law, would a marriage between two Arya Samajists, that is to say, persons who at the time of the celebration of the marriage are Arya Samajists, but one of whom or both of whom at some prior period were adherents of other religion, would such a marriage under the present law be a valid one or not, because if it is valid, then this portion of the clause merely places the matter beyond doubt, it declares that it shall be deemed to be valid. If such a marriage is not valid, then this clause effects a change in the law, though I do not for one moment contend that that affects the line of argument which the Honourable Member is pursuing.

Mr. M. Asaf Ali : Sir, the point just now raised by the Honourable the Commerce Member really deserves fuller consideration and I daresay some one who knows Hindu law better than I do will be able to explain it a little better. But so far as I know the principles of Hindu Law, a marriage between an Arya Samajist and a convert from another religion may not ordinarily, according to Hindu law, be considered valid. It would not be valid.

Several Honourable Members : It would be valid.

Mr. M. Asaf Ali : Even if it is valid I believe it would be open to certain doubts. Now at any rate in so far as the question of caste and sub-caste and different castes is concerned, it is perfectly clear that a marriage between a higher caste woman and a lower caste man would not be valid. That is perfectly clear. In fact I am aware of more than one case among my own Arya Samajist friends, who are in that awful predicament today. Their marriages were celebrated ; the wife happened to be a Brahmin and the husband happened to be a kshatriya, but their marriage was not considered valid. The result is that the children of that marriage today are in the most awful predicament. It is for that reason that I believe this Bill has been sponsored. It is only with a view to dissipate certain other doubts which may arise with regard to marriages between Arya Samajists on one side and a convert from another religion on the other side, it is only for that purpose that this declaratory

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measure is being sought. That being the case, as far as I can see, Muhammadans do not come in anywhere except in one way, and I should like to say a word about that. Perhaps Sir Muhammad Yakub and the other Muslim Members of this House are aware of the little fact that a number of Muslim women have at times sought the aid of the Arya Samaj for the purpose of securing a dissolution of their own marriages, because the existing Muslim law does not allow *Khula*. (Interruptions from all sides and cries of "It does.") I should just like to say one word. I have been a practising lawyer for the last 25 years, and I know more cases than can possibly occur to the gentlemen who have interrupted me. They have sought colourable conversion merely for the sake of securing a dissolution of their marriage.

An Honourable Member : Can you cite cases ?

Mr. M. Asaf Ali : I do not propose to take any notice of interruptions by laymen who do not seem to be aware even of the miseries from which their own women folk have been suffering for a long time. In a case like that the question is a very simple one. Conversions of that nature are open to two constructions. According to the Bokhara school of Muslim law even such conversions will not dissolve the marriage. But unfortunately the prevalent law today in India is different and according to the Anglo-Muhammadan law and the prevalent Muslim law of India such conversions do dissolve the marriage ; and that is why women more often have sought the aid either of the Arya Samaj or of Christianity or any other proselytising religion in order to be able to get rid of their misery. In a case like that there is no danger and this is a point which I should like to bring home to my Muslim friends. In a case like that there is no real danger because all these conversions are really colourable conversions. They are not genuine, *bona-fide* conversions. And in the case of colourable conversions the Courts have always held that the original marriage is not dissolved. Now, that is one point of view ; but that happens if the marriage is dissolved ? The colourable conversion goes by the board, they go back to their religion and they are just as good Muslims as they used to be before. There is no danger there ; but if there is a genuine conversion to Arya Samaj, I really honestly do not see how you can possibly prevent it merely by saying, " Please do not have this law ". It is merely declaratory ; it does not in any way touch Muhammadans at all.

Maulana Shankat Ali : Yes, it does. You may not stop conversions, but you should not encourage them.

Mr. M. Asaf Ali : I am not suggesting for a single moment that it should be encouraged. On the contrary I hold that under this law... (Interruptions from all sides). If only Honourable Members will kindly listen to me, all their doubts will be dissipated.

Sir Muhammad Yakub : Now, my Honourable friend will realise how difficult it is to speak when speakers are interrupted. (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim) : I think any Honourable Member on any side of the House should be allowed to go on with his speech without being interrupted.

Mr. M. Asaf Ali : I thank you, Sir, but I can assure Sir Muhammad Yakub that I do not mind these interruptions. In fact, every interruption is giving me an opportunity of explaining away further doubts. I am not losing my temper over it although other Members when they are interrupted unnecessarily lose their temper.

Now, Sir, Maulana Shaukat Ali has just raised a point that although we cannot prevent such conversions but we should not encourage them. I entirely and absolutely agree with him. As a matter of fact I hold certain views to which I should not like to give expression here now because it is no occasion for giving expression to those views. But today we are concerned only with this law. We have only to scrutinise it from that point of view. As a Mussalman, perhaps you would like me to scrutinise it from that point of view, and I assure you that I have gone through this Bill most carefully. I have looked at it from time to time ; I have tried to look into every possible doubt which has been raised by any gentleman, and I declare without the slightest possible hesitation that the Mussalmans come in nowhere, it does not touch them anywhere. It is as clear as daylight to me that this Bill does not bring in the Muslims anywhere because it definitely declares that both parties must be Arya Samajists at the time of the marriage. If both parties have to be Arya Samajists at the time of the marriage I do not see where we come in. With these few words I oppose the amendment.

Sir Muhammad Yakub : Sir, before my Honourable friend sits down will he be good enough to answer one question ? Will the objects of the Bill be defeated and will it in any way defeat the cause of the Arya Samajists if my amendment is accepted ?

Mr. M. Asaf Ali : My answer to that question is that it does not rest with me to accept that amendment and even if I accepted that amendment it would not in the least little degree, to my mind, injure this Bill. I quite agree. But there is another reason why I oppose this amendment, and it is this. It appears to me to be perfectly superfluous. Just as this portion of the Bill is superfluous this amendment is also superfluous and I see no reason why that particular amendment should be supported.

Maulvi Syed Murtuza Sahib Bahadur (South Madras : Muhammadan) : Sir, a strong case has been made out by my Honourable friend, Sir Muhammad Yakub, in support of his amendment which I whole-heartedly support. It is to be regretted that my Honourable friend, Mr. Asaf Ali, has tried to weaken the case of the amendment by opposing it. He has laid stress on one point " at the time of the marriage " : he repeatedly said " at the time of the marriage both parties should be Arya Samajists ". But he did not lay stress on the following words " or that either or both of the parties at any time belonged to a religion other than Hinduism ".....

Mr. N. M. Joshi : What has that to do with this Bill ? Why do you not explain that ?

Maulvi Syed Murtuza Sahib Bahadur : I say this affects Mussalmans as well as Christians.....

Mr. N. M. Joshi : How does it affect ? Explain it to us.

Sir Muhammad Yakub : Because they are non-Hindus.

Maulvi Syed Murtuza Sahib Bahadur : They do not come under the category of Hinduism. Supposing an Arya Samajist woman embraces Islam after her marriage and she gets herself married to a Muslim, what about that case ? According to this Bill her previous marriage is valid....

An Honourable Member : No. Both must be Arya Samajists.

Maulvi Syed Murtuza Sahib Bahadur : At the time of the marriage she was an Arya Samajist ; but afterwards she became a Muslim by embracing Islam and she gets herself married to a Muslim ; according to this, the first marriage is valid ; whereas according to Islamic law it becomes invalid. (Interruption.) Who says " No " ?

Mr. N. C. Chunder : It has to be invalidated in a particular form.

Maulvi Syed Murtuza Sahib Bahadur : The same is the case when an Arya Samajist embraces Islam after his marriage with an Arya Samajist woman. He will be prosecuted for bigamy if he takes a second wife and when he cannot have the first wife as his legal wife according to Islamic law because she is not a Mussalman. Therefore, in such cases, I do not know how my Honourable friend, Mr. Asaf Ali, will reconcile himself to the latter part of the section. It affects the Muslims to a great extent. In this connection I have to say something regarding the speech made the other day by my Honourable friend, Dr. Bhagavan Das. When refuting Sir Muhammad Yakub, he said that one of the Maulvis had said that the recital of the second part of Kalma, i.e., "*Muhammadur Rasoolullah*" is not essential. I should inform the House and the Doctor that that is a very wrong information. The second part of the Kalma "*Muhammadur Rasoolullah*" is not only essential but also indispensable. We are worshippers of only one God : that is the purport of "*La Ilaha Illallah*" and we are the followers of Muhammad as he is the messenger of God. Therefore one is as indispensable as the other. Another thing he said was that by saying "*La Ilaha Illallah*" he may call himself a Muslim....

Sir Muhammad Yakub : Who said that ?

Maulvi Syed Murtuza Sahib Bahadur : Our Honourable Colleague, Dr. Bhagavan Das. He said, "by reciting '*La Ilaha Illallah*', I become a Mussalman". That is an erroneous notion. He may, by reciting "*La Ilaha Illallah*" and believing in it to be true, come under the category of Mavahhdeen that is, believer in the existence of one God. He may become a Monotheist, but not a Muslim. Then my Honourable friend repeated a verse and said it was a saying of the Prophet. It is a Quranic verse and not a saying of our Prophet which runs thus : "*Likulli Qaumin had.*"

As regards our friend, Mr. Kabeer-ud-Din Ahmed, he interrupted our Honourable friend, Sir Muhammad Yakub, saying, "What about Purdah ?" which was quite irrelevant.

Mr. K. Ahmed : I did not mean anything. Go on. (Laughter.)

Maulvi Syed Murtuza Sahib Bahadur : There is no such thing as purdah in Islam : the very word purdah is Persian ; he should know that this thing came from Persia ; but we have got a verse in Koran, relating

to *hijab*, i.e., modesty. He should know that the Koran teaches, our women to be *Mahjoob* that is, modest. Ladies must therefore be modest : *purdah* or *ghosha* are Persian words : they are not Arabic words and Mr. K. Ahmed should know that our fountainhead is Arabia and not Bengal or any such place. (Laughter.) Sir Muhammad Yakub has rightly said : “ *Man az beiganagan hergiz nanalam, ke baman her chai kard an ashna kard* ”.

Mr. Kabeer-ud-Din Ahmed poses himself as an authority on *Purdah* when the Arya marriage question is taken up such interruptions are quite undesirable. If he wants to have a controversy regarding *Purdah*, he may have a separate meeting altogether for the purpose.

So far as our attitude is concerned towards the Bill, I have to say that we are quite for the Bill. So far as the Sanatanists and Arya Samajists are concerned, it is their business to decide the question for themselves. We would have remained neutral, and if we had seen a majority in this House supporting this, we might even have supported it. But the latter portion of the Bill compels us to oppose it. So I ask the Mover of the Bill to do away with the latter portion which as Mr. Asaf Ali has observed does not at all affect the Bill. I would therefore request our friends the Mover and supporter to see their way to delete the words I have mentioned, “ or that either or both of the parties at any time belonged to a religion other than Hinduism ”. With these words, I support the amendment.

Syed Ghulam Bhik Nairang (East Punjab : Muhammadan) : Mr. President, I rise to support the amendment moved by my Honourable friend, Sir Muhammad Yakub. When this Bill was originally introduced in this House it formed part of a series of similar Bills intended to remove certain disabilities which, under the existing interpretation of Hindu law, prevailed among our Hindu brethren. For instance, you will find on the agenda paper for today some other Bills entered. One is by Dr. Deshmukh to amend the Hindu law governing Hindu Women's right to Property, another is by Mr. Ghansham Singh Gupta to remove certain disabilities in respect of the power of transfer or will by a member of a joint Hindu family, a third is by the same gentleman, a Bill to secure a share for Hindu widows in their husbands' property, and so on. All these things, on the face of it, concern the Hindu community and do not in the least touch any other community and therefore from the point of view of all non-Hindu Members of this Assembly they are things which it is the concern of Members representing the Hindu community to discuss and settle between themselves. Some of them may choose to support those Bills, others may choose to oppose them, amendments may be moved by Members of their community, and finally the fate of the Bill may be decided and should be decided in accordance with the prevailing opinion of the representatives of the Hindu community. Exactly the same was the view which we all took of the Arya Marriage Bill as it was originally introduced, so much so that, as I happened to attend this Session of the Assembly very late in the day indeed, I was told the other day by a friend before I had come to Simla, that I was very urgently needed at Simla because there was the Arya Marriage Bill under discussion. I said, “ How does that concern my presence at Simla ? It is a matter which concerns the Arya

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Samajists and the Hindus generally. Let them settle. My presence is not needed either to oppose the Bill or to support the Bill." That was our point of view, but then I was told at once that I was ignorant of what had happened in the Select Committee and that the form now given by the Select Committee to the Bill was such that the Mussalmans could not take up the position that they were not affected. On an examination of the Bill, to my surprise and regret, I find that that is the position. I am extremely sorry, I must say on the floor of this House, that a gentleman of the position of my Honourable friend, Mr. Asaf Ali, should have taken up the position which he did today, of acting as a judicial authority on the merits of the debate concerning the amendment proposed by my Honourable friend, Sir Muhammad Yakub. He has delivered authoritative judgments, he has claimed knowledge which I am sorry to have to say he does not possess. Yet what is the effect of his speech? They will say, "Sir Muhammad Yakub moved an amendment. He was a Muslim. Mr. Asaf Ali opposed it. He is a Muslim".

Sardar Sant Singh : Then, no Muslim is to oppose a Muslim's amendment?

Syed Ghulam Bhik Nairang : Excuse me. When it concerns the best interests of the community, a Muslim has no right to play the traitor.

Mr. M. S. Aney : Sir, it is a strong word—traitor. Is it a parliamentary word—one Member to call another Member a traitor?

Mr. President (The Honourable Sir Abdur Rahim) : That word should not be used. I hope the Honourable Member will withdraw it.

Syed Ghulam Bhik Nairang : I am sorry, I had to use the word. I withdraw it. Really I wanted to address the House in a very cool mood, and I was not at all pugnaciously inclined, but Sardar Sant Singh's question upset me.

Sir, we have to consider the legal effect of clause 2 of the Bill as it stands now. We have to consider not only the legal effect, but also whether it is in accordance with the best interests of Indians to have a legislative provision like that on the Statute-book. We have to consider its effect on the inter-communal relations of Indians. We must not lose sight of all the important considerations. A thing may be perfectly legal from the technical point of view, yet it may be highly unwise from the broader and patriotic point of view. I have said already that as far as a measure of reform intended to remove certain hardships and disabilities of our Arya Samajist friends is concerned, the Bill has my best wishes, I wish it godspeed. My objection comes in only when I find that in the present shape of this Bill, in spite of the very oracular declarations of Mr. Asaf Ali it certainly does affect Muslims and will affect Muslims.

Mr. N. M. Joshi : Will you explain how? We have been having patience with speakers. They have not explained that to us.

Maulana Shaukat Ali : We cannot stop conversions, but we do not want to encourage them.

Syed Ghulam Bhik Nairang : We have had during the course of the day very learned discussions expounding to us the philosophy of religion, the philosophy of the caste system, and all that, and Mr. Joshi did not have any objection to that, but when I stand up to speak.....

Mr. N. M. Joshi : I honour you by sitting here to listen. I did not listen to the other speeches.

Syed Ghulam Bhik Nairang : My first objection is that, if this clause is allowed to stand in its present form, a good many illegalities will be committed. Look at the wording of the clause. It says :

“ Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act between two persons being at the time of the marriage Arya Samajists shall be invalid or shall be deemed ever to have been invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus or that either or both of the parties at any time belonged to a religion other than Hinduism.”

Of course, I have no quarrel with the rest of this clause but with regard to the effect of the words, “ either or both of the parties at any time belonged to a religion other than Hinduism ”. The position is this. Suppose a Christian woman, duly married to a Christian husband according to the canonical law of the Christians, today embraces the religion of the Arya Samajists and thereafter she marries an Arya Samajist. Of course, within the wording of this clause the marriage would be between two Arya Samajists. Now, under the law as it stands today, such a marriage would be bigamous, but suppose for some reason or other, by acting on the 11th commandment or some other reason, no prosecution is ever launched and no punishment is ever given. Later on, perhaps in a suit for inheritance or in connection with some other question, the question of the validity of that marriage comes before a Court, and if this clause is passed into law, on the authority of this clause the marriage is held valid. What is the effect of it. The effect of it is that a marriage which amounted to a crime is held valid by a Court in all solemnity.

Mr. Ghansham Singh Gupta : May I interrupt my friend ?

Syed Ghulam Bhik Nairang : I do not give way. So far as Christians are concerned, the effect of this Bill would be to repeal the Christian canonical law on that point and if this House passed any law of this kind, it will be *ultra vires*. I have instanced the case of a Christian woman but now I will take up the case of a married Muslim woman, a subject which was also touched by my friend, Mr. Asaf Ali. There is no doubt that according to the view which is generally current in our Courts today the apostasy of either party to a Muslim marriage does effect the dissolution of the marriage without any further proceeding or without any judicial pronouncement. That is, as I have submitted, the current view, but this is a view which has been challenged not today but for years and years, in the course of many public utterances, in the course of many press articles, by protests made by many representative associations of Muslims and by the learned jurists of Islam as well, but somehow the Courts have up to the present maintained the view that apostasy does bring about a dissolution of marriage and the result has been that we have had to introduce a Bill in this House which, among other things, contains a clause to the effect that the apostasy of a married Muslim woman would not *ipso facto* operate

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to dissolve the marriage. That Bill is coming before this House. If this clause as it stands today is passed, it will be really forestalling that Bill and if by any chance subsequently we also pass that Bill, it will follow that there will be a conflict between this and that law. I may also submit that already we have innumerable complaints from time to time about the seduction and abduction of women, not only of Muslim women, but women belonging to all societies and all communities and all castes. If this clause is passed into law, the effect will be that there will be an additional encouragement to those who are engaged in the nefarious trade of enticing away married women and abducting married women and then making them later on go through a feigned conversion and after that marry them mostly for consideration to this man or that man. Such marriages are taking place today stealthily and the parties to such marriages are subject to the fear of public opinion and moral censure. If this Bill is passed, it will confer immunity on them and it will embolden them to go on with their nefarious activities and the effect will be that any number of homes would be ruined. Abducting married women will be legalised and the provisions of the Indian Penal Code relating to these offences will be nullified and repealed. These offences will be looked upon as matters legalised by this law and as a consequence there will be a much larger number of cases of this kind and there will be breaking of heads between the different communities. Even now, as is very often reported in the press, very serious riots take place over such abductions of women. In future their number will be increased. I say it is also against public interest, public peace and inter-communal harmony to place a law like this on the Statute-book. What is the harm if we delete these offending words? The Bill will even then be perfectly complete and it will be legitimately confined to the Arya Samajists.

Mr. N. M. Joshi : Some Samajists would be omitted.

Syed Ghulam Bhik Nairang : I would appeal to this House to consider this subject in all seriousness. Married life irrespective of caste, creed, religion or nationality is sacred and ought to be held sacred by all right minded men. Anything tending in the least to disrupt homes, and interfere with the peaceful course of married life should be simply discouraged. There ought to be no encouragement given to the nefarious activities of people who may pretend to be Arya Samajists or Muslims or others, whose real trade is to abduct women, take them from one part of the country to another and pass them on to others for a consideration. It is a well known fact that in certain parts of the country the number of women is smaller than the number of men and therefore constantly a trade is going on in some parts of India by which women are taken to certain other parts where there is a shortage of women and where women are wanted in larger numbers. That traffic is flourishing and as a consequence of this, so many homes are being ruined every day. I think, Sir, under the colour of effecting a social reform among the Arya Samajists, we should not take any dangerous step, because, although it may be honestly meant that that clause is not intended to in any way help such people, yet it has the potentiality, and that dangerous potentiality should be guarded against. With these few words, I support the amendment moved by my Honourable friend.

Pandit Govind Ballabh Pant : May I ask a question, Sir, namely, whether it would make any difference if after the words "at any time" in the last but one line in this clause we introduced the words "before the marriage"....

Syed Ghulam Bhik Nairang : No.

Pandit Govind Ballabh Pant : If it were like this : "or that either or both of the parties at any time before the marriage belonged to a religion other than Hinduism", would that do? Would that make any difference?

Syed Ghulam Bhik Nairang : To my mind, it would not make any difference.

Pandit Govind Ballabh Pant : I only throw out that suggestion.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I am very sorry I cannot agree with the new theory propounded by my Muslim colleagues today in this House. They want to lay it down that Members of other communities who are not interested in or are not directly concerned with any social or religious Bill should not take part in the debate on that Bill. Sir, I am afraid, we will not be doing our duty by ourselves, by the country and by the people who have elected us and sent us here if we keep quiet and allow other friends to do whatever they like with regard to their Bills. We are not here Hindus or Mussalmans, we simply are legislators within this House. Coming to this Bill, Sir, I must congratulate my Muslim friends upon the temperate language in which they have pleaded their cause. But most respectfully I would like to tell them in the words of a great Persian poet :

*" Jalveh ber main me farosh
Aii malikulhaj ke tu
Khana mi biniyo
Man Khana Khuda mi binam."*

"You, my friends, you who boast of being religious-minded and pose to be great Hajis, you have only seen the house of God, whereas I have seen the God that lives in that house."

Coming to the point, Sir, there seems to be a feeling among my Muslim colleagues here that this Bill is only devised to encourage Hindu youths to marry outside the pale of their society, or to put it more correctly, to marry Muslim girls. These friends are not concerned with Christians, Jews or girls of any other community, their only concern is that the Hindu youths should not be able to marry Muslim girls. My Honourable friend, Sir Muhammad Yakub, and the other friends who want the deletion of the specified words from the clause maintain that it would disrupt homes, cause disturbances of the peace (*An Honourable Member* : "and communal riots"), yes, communal riots and so on and so forth. But, why, Sir, I cannot understand. Assuming for argument's sake that the Bill does provide for marriage with those of different faiths. What and where is the harm then? (Interruptions.) Why should not a Hindu marry a Christian, a Muslim, a Jew or any other girl he chooses?

Mr. K. Ahmed : Don't forget the case of the Maharaja of Indore and Miss Miller. (Interruptions.)

Pandit Krishna Kant Malaviya : It is done even now. I know many friends, Hindu youths who have got Irish, German, Hungarian, Italian, Jewish and Muslim wives. Why should they not? And who are we to stand in the way of those who want to lead a "united" joint life? (Laughter.) My Muslim friends do not object to Muslims marrying Hindu girls! They are happy at it! They burn incense at these marriages! (Interruptions.) With what logic, then, do they come forward here and want that the Hindu youths should not marry Muslim girls? I want to tell my friends and others of their way of thinking that, really if they are keen that Hindus should not marry Muslim girls (*An Honourable Member :* "Converted Muslim girls")—that Hindus should not convert Muslim girls and should not marry them. (Interruption.) But you go on converting Hindus? I do not and cannot complain. I only want that you also should not object to the conversion of Muslim girls.

Maulana Shaukat Ali : In that case, she becomes a Muslim, and I marry her.

Pandit Krishna Kant Malaviya : In my case, she becomes an Arya Samajist and an Arya Samajist marries her. Sir, if anybody wants that the girls of his community should not be married by the members of any other community, then the best thing for his community is to keep their girls confined within the four walls of the Zenana, not to allow them to go to schools and attend colleges, not to allow them to think for themselves, not to give them a liberal education and not to allow them to see reason or the light of God and so on. If there is a Muslim girl who thinks that she can be happy only by being united with a Hindu of a different faith (Laughter), no power on earth, whether Islam, Hinduism or Christianity or any other religion, howsoever great it may be, can and should stand between that man and that girl. I can imagine a man and a woman professing two different faiths even living together happily as husband and wife. (Hear, hear.)

Major Nawab Sir Ahmad Nawaz Khan : Then why not bring in a Bill of such a nature as you are suggesting? That would then be quite a different Bill to this one on which you are now speaking. You can if you like bring in a Bill permitting freedom and liberty to every one, every class, and every community to marry whomsoever they like.

Pandit Krishna Kant Malaviya : I am prepared to do that even, but this much I know that friends, who do not see beyond their nose, who have no visions of the future or even the world of today, like the gentleman who has just spoken, will always stand in my way and do their best to oppose us. Sir, I may here narrate a story about myself. (Hear, hear.) I am a Hindu and amongst Hindus a "Sanatani", an orthodox Hindu. I love the "Sanatan Dharma", it gives me peace and consolation and is the true eternal Dharma to me; but, with all this, I never was and can never be a bigot. Well, Sir, when I was at college, there was a talk amongst the elders of my family to convert me from a biped into a quadruped animal. Animal as I was, I got scent of the affair. According to the prevailing custom and culture then, I could not broach that subject with my elders but I wrote a letter to my uncle, and you will be surprised to learn that therein I wrote that it would be better in the interest of the race and of the society if I were married to some Afghani or Baluchi girl. (Laughter.)

I was only twenty-one years of age then. Since then, I have requested many a Sikh friend of mine, because there is a dearth of girls in their community, to marry outside the pale of their society, and I have always suggested to them to marry either an Afghan, a Gipsy, Persian, or a Hungarian girl, because, I think, this will infuse a new blood and new warmth in the veins of the dying race. Would it not be better, I ask my friends, if a mild Bengali, with his intellect and brains, were to marry an Afghan girl with her physique and her warm blood? Would it not be better for the country, for the race and for the society that such marriages should be allowed? Well, Sir, I had been thinking on these lines when there was no communalism in this land and when the talk about Hindu and Muslim was not so rampant as it is today. I do not want to argue this point further but in the words of a great Persian poet I would urge upon my Muslim friends to coolly ponder at what has been said by the great poet, Urfi.

*"Chuna ba nekobed urfi basar kun az pesa murdan
Musalmānat ba zemzem shoyado Hindu bishojanad"*

The poet, addressing the Hindus and Mussalmans of this land, says :

"You should fashion your life in such a way that when you die Mussalmans may claim your body as their own and try to wash it with Zamzam water, while the Hindus should claim your body as their own and try to cremate it."

It gives me no pleasure to say all these things. But I want to ask especially my Honourable friend, Ghulam Bhik Nairang Sahib, what did he mean by riots, disturbances of peace and all those things? Am I to understand that Hindu girls are not being taken away because these friends of mine are very anxious to maintain peace and because these friends of mine do not want to have riots? I cannot understand the logic behind all these arguments. They say that they are free to marry any girl they like. They want a freedom for themselves which they do not want to give to others. Where is the logic in it? Where is the reason behind it? I am told of inter-communal relations; much has been said about it. But my friends forget that there is such a thing as inter-communal relation when they entice away Hindu girls to marry a Mussalman. They do not object to it. But as soon as they feel that a Hindu may marry a Muslim girl, heavens begin to fall. They prophesy earthquakes, riots and disturbances of peace. They may object to such marriages but they cannot prevent conversion of Muslims to Hinduism. Nobody can. If you cannot prevent the conversion, then why do you object to this Bill? After all, what does this Bill provide? It says that no girl will be married to an Arya Samajist unless she is an Arya Samajist herself. You should try to prevent the conversion but if you cannot prevent it, then you should not object to this Bill. The Bill only provides that as soon as a Christian, a Muslim or a Jewish girl becomes an Arya Samajist, she should be able to marry an Arya Samajist and the marriage will be valid in the eyes of the law. Sir, I would like to give an answer to the question raised by my Honourable friend, Sir Muhammad Zafrullah Khan, who is not in his seat. He wanted to know what is the present law about those who marry outside the pale of their society, for instance, if a Hindu marries a girl of a different faith. That is what we are providing for. At present either a Hindu youth, who wants to marry a girl professing another faith, has to take the shelter of the civil marriage law or the special marriage law. The object of this Bill is that no Hindu or an

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Arya Samajist in order to marry a girl of another faith should be compelled to declare that he has no faith, that he is neither a Hindu nor a Mussalman nor a Christian and so on and so forth. According to the Special Marriage Act, Sir, there is some difficulty about the succession. If you marry according to the Special Marriage Act, you have to be governed by the Indian Succession Act and not according to the Hindu Laws. This Bill provides that, while we should have the liberty to marry a girl professing another faith or belonging to another sub-caste of the Hindus or belonging to any other caste of the Hindus, we should be able to remain within the fold of the Hindus and should be as good Hindus as any anybody else. This Bill is only to legalise marriages. If you do not legalise these marriages, you can understand what the position will be. The girls who marry will have no legal status, they will be concubines, keeps, mistresses, etc., this will lead to concubinage or some such thing which we do not want to see in our society and which we want to avoid. In order to give a moral tone to taints like these which have cropped up at places in our society, we want to provide this law, so that such marriages may be legalised and their children may not be branded as illegitimate. This is all that I want to say and I oppose the amendment.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, during the five years of my life in this House, this is the first occasion when I find that religious fanaticism—be it on any side—has lifted its head. I am sure this phantom will not conduce to good relationship between the two communities to which the Hindus and the Muslims belong. Whenever I met my friends, whether Hindus, Muslims or Christians, I always said that Legislatures, so far, were immune from such religious disputes and discussions which have somehow come to light today. If this enactment had not been brought before the House the atmosphere in this House today and the feelings between the two communities would not have been ruffled. I am indeed very sorry that such a piece of legislation has been brought forward in this House on an occasion when we are about to go into the Provinces for election and when in the Centre also there will be election. My Honourable friend, who just preceded me, Pandit Krishna Kant Malaviya says that the Muslims do not mind such marriages which are contracted between a Muslim male and a Hindu female. May I remind my Honourable friend and also remind the House that Islam does not permit such marriages at all. Islam has never permitted such marriages and it will never permit a marriage between a Muslim man and a Hindu woman unless and until she is converted to Islam. The religion of Islam says that only a marriage with a *kitabī* is allowed and permitted and not a marriage with a *non-kitabī*. I would like to remind the House that if a Muslim male marries a Hindu woman without conversion to Islam, then that marriage is not held valid and the children of that wedlock will not be considered to be legitimate. (Interruption.) When I am explaining my religious tenets, nobody can question me and I shall not yield on this occasion. This question should not be looked at from the point of view, that because Muslims used to marry Hindus and because Muslims had permission according to their religion for conversion which the Hindu friends did not have so far, therefore by this enactment the Arya Samajists also could do likewise and convert people from Islam to Arya Samajist fold. If our Hindu friends claim that in their religion they are allowed conversion though, so far as

I know, it was never asserted that they had that permission as the Muslims had, they can do so. My point is that ever since this new sect of Arya Samaj was brought into existence in India and although they are a part of Hindus it is only since then that this principle of conversion has been adopted by my Hindu friends. Otherwise there was no such principle of conversion before this. For my Hindu friends today to argue that because Muslims want to convert Hindus and because Muslims want to marry Hindu girls, therefore the Hindus should be allowed to marry Muslim girls does not seem to be correct. I have no objection if a Muslim girl is prepared to adopt Hindu religion, she is quite at liberty to do so ; it is her look-out. I would welcome if a Hindu friend should marry a Muslim or Christian girl who is willing to do so and if her religion permits. In this Legislature anyhow the Muslims do not in any way find themselves in a position to reconcile themselves to the words :

“ Either or both of the parties at any time belonged to a religion other than Hinduism.”

I would appeal to my Hindu friends to drop those words. We should not import any religious heat or controversy into this Bill. If our Arya Samajist brethren want to have their own way and to have legislation for intercaste marriages between Hindus and Hindus, because so far the Arya Samaj was not a separate religion from Hinduism, the Muslims can have no objection to such a course. When we come to the phrase ‘ religion other than Hinduism ’, it, of course, raises a suspicion in the minds of the people of other religion. Our Christian friends do not see today the underlying motive of this legislation, perhaps they will see it tomorrow. But the Muslims have seen through it today and they say on the floor of the House and they ask the Hindu brethren not to be so uncharitable as to introduce such a phrase in the Bill. I would appeal to my Hindu friends to have regard for the feelings of the Muslims on this point. Sir, when one of my Honourable friends said that this Bill relates only to Hindus and the sub-castes among them, I quite believed it was so. But let me read the clause No. 2 :

“ Notwithstanding any law, usage or custom to the contrary no marriage contracted whether before or after the commencement of this Act between persons being at the time of marriage Arya Samajists shall be invalid or shall be deemed ever to have been invalid by reason only of the fact that the parties at any time belonged to different castes or different sub-castes of Hindus ”,

and if the clause had gone to that extent, I would have had no objection and nobody in the House could take any exception to it. But it goes on further and includes other religions too. With these words, I support the amendment.

Maulana Shaukat Ali : Sir, I will not take very long. I would have gladly helped my Arya Samajists brethren to legalise their marriages. Every one is perfectly free to become a Muslim or a Christian or a Sikh or an Arya Samajist. No one can stop anybody else from changing his religion. Among the Sikhs, anybody, who is converted from another religion to Sikhism, can marry without asking this House or asking my assistance for legalising such marriages. They are perfectly welcome to solemnise such marriages. Such marriages are recognised by law. If anybody becomes a Muslim and marries another Muslim, converted or otherwise, that marriage is recognised in Islam and no one is asked to help to validate it. Everyone's conscience is perfectly clear. In the case of

[Maulana Shaukat Ali.]

Arya Samajists unfortunately the marriage is not considered valid. I have no objection to a Muslim woman becoming a convert to Arya Samajism and marrying whomsoever she likes, but that marriage is not recognised by their law. Her children will not inherit any property. She will be looked upon merely as a mistress or a keep. You cannot ask me as a God-fearing Muslim that I should encourage a Muslim woman to go and join another religion and then set for her a position where she has no social position today. This is the only point. If anybody becomes a Muslim and a marriage is solemnised between them, our religion recognises it and the children inherit property. If there is any defect in the Hindu religion so far as marriages with converts are concerned, then my Hindu friends should settle it among themselves; they cannot ask my help to offer an inducement to a Muslim girl to become a convert to another faith and instead of being considered a mistress, help her in gaining the position of a legitimate wife. As far as I am concerned, if you ask me as God-fearing Muslim, when a woman leaves my faith, the sooner she dies the better. I consider that if a Muslim woman leaves her faith and becomes a convert to any faith, I have no concern with her—she was dead to me :

“ *Khas Kam Shud—Jehan Pak* ”.

(Less dirty grass, world gets cleaner.)

When a woman becomes a Muslim she is at once recognised as a Muslim lady and has her full rights like other Muslim women. You cannot ask me to validate a marriage of a Muslim with a non-Muslim. If there is difficulty in the marriage among Arya Samajists, they must settle it amongst themselves.

Mr. M. Asaf Ali : This does not mean that.

Maulana Shaukat Ali : You have been a lawyer for 25 years. I do not know law. I am sorry to acknowledge I have great contempt for law. I want to ask you to tell me if today a marriage between two converts to Arya Samaj is valid ! The Arya Samajists say no. I have no objection if they marry under the Special Marriage Act or the Christian Marriage Act.

My friend, Bhai Parma Nand, is not here. I have great respect for him. I went to him and asked him whether this marriage is recognised by them today as a legitimate marriage and I had no objection if it was so because then they did not need my consent. He said, “ no, this marriage is not recognized ” and they want now to make it valid. Therefore I am sorry I cannot encourage a woman who is a mistress today to become a legitimate wife and raise her status with my assistance, so that she may have an inducement to leave my faith.

Mr. M. Asaf Ali : Sir, if I may say a word, I am afraid Bhai Parma Nand has not stated the case correctly. This Bill only makes provision for validating marriages between persons who at the time of the marriage are Arya Samajists.

An Honourable Member : By conversion or otherwise.

Mr. M. Asaf Ali : No, conversion does not come in.

Maulana Shaukat Ali : The girl was a Muslim and she became an Arya Samajist and at the time of the marriage she was an Arya Samajist.

The position is that they were both Arya Samajists then, but such a marriage is not recognised by the Arya Samajists as valid and they want to make it valid by the help of this proposed law.

Mr. M. Asaf Ali : It is valid.

Maulana Shaukat Ali : He says it is not valid. But if this marriage was valid today I would have no objection because you do not need my assistance. I cannot stop conversion of Muslims, but I do not want to encourage it.

Some Honourable Members : The question may now be put.

(Then several Members including Mr. Ananthasayanam Ayyangar rose in their places wanting to speak on the amendment.)

Mr. President (The Honourable Sir Abdur Rahim) : The meeting of the Empire Parliamentary Association has been fixed again for today, and I am afraid the House cannot carry on this discussion any longer today.

The Assembly then adjourned till Eleven of the Clock on Saturday the 10th October, 1936.