

25th September, 1922

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(Official Report)

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OF THE

LEGISLATIVE ASSEMBLY, 1922



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LEGISLATIVE ASSEMBLY.

Monday, 25th September, 1922.

The Assembly met in the Assembly Chamber at Eleven of the Clock. Mr. President was in the Chair.

STATEMENT LAID ON THE TABLE.

Colonel Sir Sydney Crookshank (P. W. D. Secretary): I beg to lay on the table a statement showing the rent allowance given to members of the Telegraph and Railway Departments at Karachi promised in reply to Mr. Shahani's starred question No. 167 asked on the 7th September, 1922.

Statement showing house-rent allowances admissible to North-Western Railway employees at Karachi.

- (i) In the case of employees who are not entitled to free quarters :
- (a) Indians drawing pay up to Rs. 74 per mensem, Rs. 7-8-0 per mensem.
 - (b) Indians on pay of Rs. 74 to Rs. 200 per mensem, 10 per cent. of pay.
 - (c) Europeans on pay up to Rs. 250 per mensem, Rs. 25 per mensem.
 - (d) Europeans on pay of Rs. 251 to Rs. 500 per mensem 10 per cent. of pay.

(ii) Employees who are entitled to free quarters but for whom no railway quarters are available, 10 per cent. of pay in addition to above rates of allowances.

Rates of house-rent allowances to Telegraph Traffic personnel employed in Karachi who are not provided with free quarters.

General Service Telegraphists.				General Service Telegraph Masters.	Officers of the 2nd Division Superior Traffic Branch and Deputy Superintendents Traffic.	Delivery messengers, Havildars and 12 specified inferior servants.
With not more than 10 years' service.		With more than 10 years' service.				
Rate for single men.	Rate for married men.	Rate for single men.	Rate for married men.	Rate.	Rate.	Rate.
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
25	35	25	40	50	55	4

Rates of house-rent allowances to Telegraph Engineering personnel employed in Karachi who are not provided with free quarters.

Engineering and Electrical Supervisors.					Assistant Engineers and Assistant Electricians, Deputy Assistant Engineers and Deputy Assistant Electrician.	Menials.
With not more than 10 years' service whose pay does not exceed the pay of a General Service Telegraphist.*		With more than 10 years' service whose pay does not exceed the pay of a General Service Telegraphist.*		Whose pay exceeds the maximum of a General Service Telegraphist.†		
Rate for single men.	Rate for married men.	Rate for single men.	Rate for married men.	Rate per month.	Rate per month.	Rate per month.
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
25	35	25	40	50	55	4

*Only Engineering Supervisors other than those employed as Inspecting Telegraph Masters prior to 1st November 1912 are entitled to the rates shown under these headings.

†Engineering Supervisors employed as Inspecting Telegraph Masters prior to 1st November 1912 are entitled to the rates under this heading.

QUESTIONS AND ANSWERS.

POST OFFICE SUPERINTENDENTS' ABUSE OF POWER.

360. *Rai T. P. Mukherjee Bahadur : (a) Is the Government of India aware that owing to additional powers in respect of leave transfer and punishment being conferred on the Superintendents of Post Offices, great abuse of such powers is being now made by such officials ?

(b) Is it a fact that the Postmasters-General now a days do not exercise any control over such abuse of powers of the Superintendents resulting in great hardship on the subordinate staff ?

(c) Are copies of damaging remarks made in the character sheet of the subordinate staff, supplied to the officers concerned as suggested by the Postal Inquiry Committee ? If not, why not ?

(d) Has the attention of the Government been drawn to the Resolutions of the Burdwan Postal and R. M. S. Association, which appeared in *Labour* of the month of August ?

Colonel Sir Sydney Crookshank : (a) No.

(b) No.

(c) As a result of the suggestion of the Postal Inquiry Committee, the Government of India decided that, when a Superintendent records in a character sheet an unfavourable remark regarding the work of any official, the purport thereof should be communicated to the official concerned. The rules in the Post Office Manual have been amended accordingly.

(d) Yes.

BABU K. C. NEOGY'S SPEECH re POSTAL EXPENDITURE.

361. *Rai T. P. Mukherjee Bahadur : (a) Has the attention of the Government of India been drawn to the speech of Babu K. C. Neogy, M.L.A., who presided over the last Provincial Postal and R. M. S. Conference at Dacca ?

(b) Is his estimate of the expenditure items relating to continued pay, recommended by the Postal Committee, correct ?

(c) Is it a fact that only a sum of Rs. 26 lakhs is needed to meet the enhanced pay of postal officials in the year 1921-22 ?

(d) How is the sum of Rs. 105 lakhs on the expenditure to be explained ?

(e) Can the Government throw any light under what specific items the sum of Rs. 105 lakhs was further charged for in the Budget ?

Colonel Sir Sydney Crookshank : The necessary information is being collected and a reply will be sent to the Honourable Member as soon as possible.

EXTENSION OF RAILWAY MAIL SERVICE.

362. ***Rai T. P. Mukherjee Bahadur** : Will the Government inquire why the Railway Mail Service has not yet been extended to Navadwip and Katwa over the Bundel Barharwa section of the East Indian Railway ? Will this be done at an early date ?

Colonel Sir Sydney Crookshank : The post offices on the East Indian Railway line referred to in the question are served by the Sealdah-Lalgolaghat Railway Mail Service section on the Eastern Bengal Railway, which is connected with the others by means of runners' lines. This arrangement gives those offices a better postal service on the whole than they would get if they were served by the Railway Mail Service section on the East Indian Railway to be extended to Katwa as suggested.

REMOVAL OF FURNITURE IN DELHI.

363. ***Sir Deva Prasad Sarvadhikary** : (a) Would the Government please state if the Estate Officer of Delhi has sent a requisition to the different branches of Government offices at Simla that will move down to Delhi in October, to send down representatives to move out furniture that are lying stored in godowns for the purpose of repairing those godowns or rooms ?

(b) If the answer to the above question be in the affirmative, will the Government be pleased to state the number of representatives of the different departments that will be required to go and what the travelling and other charges in connection with such deputation will amount to ?

(c) Will the Government please state how long such practice has been in existence and what the total costs of such deputation has been since the practice has been introduced ?

(d) Would the Government please state what the total cost of removing storing and removing such furniture again, amounts to every year ?

(e) Would the Government please state whether offices are dismantled every year in Simla and reassembled in this way before the return of the Government to Simla ? If so, what are the costs of such annual operation of removal, warehousing and rearrangement of furniture, as well as of deputation from Delhi of representatives of the offices or departments concerned ?

Colonel Sir Sydney Crookshank : The information is being collected and a reply will be given as soon as possible.

CONTROLLER OF CONTRACTS ORGANISATION.

364. ***Mr. K. O. Neogy** : With reference to the answer given by Government on 9th February 1922 to (b) of my unstarred question (No. 255) regarding the Controller of Contracts organisation, will Government be pleased to state :

- (a) whether any decision on the question of making the above organisation permanent has now been arrived at, and if so, in what shape it will permanently remain ;
- (b) if the answer to (a) above is in the negative, by what date it is expected to place the organisation on a permanent basis ; and
- (c) what are the reasons underlying the delay in making the above central purchasing agency permanent ?

Mr. E. Burdon : (a) No decision has yet been arrived at on the question of making this organisation permanent.

(b) and (c). The question is one of those which will be examined by the Braithwaite Committee and possibly by the Retrenchment Committee also. The former Committee, as the Honourable Member is probably aware, has been appointed by the Government of India to inquire into the system of administration and organisation of the Quartermaster General's services in India.

REVIEW OF RATES BY CONTROLLER OF CONTRACTS.

365. ***Mr. K. O. Neogy** : Will the Government be pleased to state :

- (a) whether it is a fact that until November 1920 the Controller of Contracts reviewed the rates of local contracts for minor supplies and services to be concluded by military district authorities, and that as a result thereof considerable and substantial savings accrued to Government in the shape of reduction, etc., of the rates obtained and proposed by the district authorities to be accepted ;
- (b) whether it is a fact that the above financial review has since been done away with and district authorities allowed to make the contracts without the financial scrutiny made by the Controller of Contracts. If so, what effective financial check is now exercised on the rates of the said contracts.
- (c) what are the reasons which have necessitated the change referred to in (b) above ?
- (d) whether, having regard to the financial results of the review done by the Controller of Contracts, Government will reimpose the said review as early as possible ?

Mr. E. Burdon : (a) and (c). Before the war the normal arrangement was that General Officers Commanding Districts should be responsible for local contracts of the kind specified. Special circumstances arising out of the war rendered it desirable to introduce some form of central control, and accordingly the Quartermaster-General in India directed that local contracts should be sent to Army Headquarters for advice in the light of information compiled, under the orders of the Quartermaster-General, in the office of the Controller of Contracts. With the return to more normal conditions, control has again been decentralized, and the arrangement previously in force has been reintroduced.

It is believed that savings were effected by the adoption of central control during the war period ; but the matter is one on which it is difficult to make a precise statement.

(b) Prior to 1900, the Controllers of Military Accounts used to apply financial scrutiny to local contracts made by General Officers Commanding. In 1900, the arrangement was discontinued ; but the question of reviving it is now under consideration. During the war period when the system of central control was in force, contracts were scrutinized in their financial aspect by the Military Finance Branch at Army Headquarters.

(d) The question is one of those which will be examined by the Braithwaite Committee.

RATIONS TO INDIAN SOLDIERS.

366. *Mr. K. C. Neogy : Will the Government be pleased to state :

- (a) whether it is proposed to abolish, as a measure of economy, the existing grant of free rations to the Indian soldier and give him money allowance in lieu ;
- (b) whether the reasons which led to the permanent abolition of the money allowance system in 1917 do not still hold good ;
- (c) whether, in the circumstances, Government will drop the proposal, if any, for re-introduction of the money allowance system and consider other sources of economy ?

Mr. E. Burdon : (a) A suggestion of the kind has been mooted and will be investigated by the Braithwaite Committee.

(b) and (c). Government are fully alive to the considerations which the Honourable Member has in mind, and these will receive careful attention when the recommendations of the Braithwaite Committee are received.

REPARATIONS FOR INDIAN SEAMEN.

367. *Mr. Harchandrai Vishindas : (a) Will Government be pleased to state if any suitable portion of the sum of £5,000,000 of the German reparations ear-marked for the dependents of Indian Seamen killed during the war has been allocated to the Indian Seamen ?

(b) If not, do Government propose to take steps towards such allocation ?

The Honourable Mr. C. A. Innes : The Honourable Member is referred to the answer given on the 15th September 1922 to a similar question (No. 313) asked by Mr. K. Ahmed.

LEAVE TO OFFICERS ATTAINING 55 YEARS OF AGE.

368. *Rai Bahadur P. V. Srinivasa Rao : Will the Government be pleased to state whether the discretion vested in a local Government in the matter of granting leave to an officer who has attained the age of 55 under Fundamental Rule 86 as explained in G. O. No. 573-Finance, dated 3rd July 1922 connotes or is intended to connote anything more than the discretion vested in such Government in the matter of granting leave under other Fundamental Rules ?

The Honourable Sir Malcolm Hailey : I have not seen the Government Order referred to by the Honourable Member. It is presumably an

order of the Local Government reproducing an order of the Government of India on the subject a copy of which I place on the table. The reply to the question of the Honourable Member is, it will be seen, in the negative.

No. 520-C.S.R.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

FROM

P. R. RAU, Esq., M.A.,

Under Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS,
FINANCE DEPARTMENT.
THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY,
FINANCE DEPARTMENT.
THE FINANCIAL SECRETARY TO THE GOVERNMENT OF BENGAL.
THE FINANCIAL SECRETARY TO THE GOVERNMENT OF THE
UNITED PROVINCES.
THE FINANCIAL SECRETARY TO THE GOVERNMENT OF THE PUNJAB.
THE REVENUE SECRETARY TO THE GOVERNMENT OF BURMA.
THE FINANCIAL SECRETARY TO THE GOVERNMENT OF
BIHAR AND ORISSA.
THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM.
THE CHIEF SECRETARY TO THE GOVERNMENT OF THE
CENTRAL PROVINCES.
THE HONOURABLE THE AGENT TO THE GOVERNOR-GENERAL
AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.
THE HONOURABLE THE AGENT TO THE GOVERNOR-GENERAL AND
CHIEF COMMISSIONER, BALUCHISTAN.
THE HONOURABLE THE CHIEF COMMISSIONER, AJMER-MERWARA.
THE CHIEF COMMISSIONER, COORG.
THE CHIEF COMMISSIONER, DELHI.
THE CHIEF COMMISSIONER, ANDAMAN AND NICOBAR ISLANDS.

SUBJECT:—*Leave after attainment of the age of 55 years (Fundamental rules 56 and 86.)*

Simla, the 31st May 1922.

SIR,

As it has been brought to the notice of the Government of India that some doubt has been felt as to whether, with reference to fundamental rules 56 and 86, a formal extension of service is a necessary preliminary to the grant of leave to an officer who has attained the age of 55, I am directed to say that such an extension is not necessary and that the grant of leave under rule 86 automatically carries with it the extension required.

2. I am to add that fundamental rule 86 imposes no restriction such as was contained in article 234 of the Civil Service Regulations, upon the exercise by the Local Government of its discretion in granting leave.

I have the honour to be,

SIR,

Your most obedient servant,

P. R. RAU,

Under Secretary to the Government of India.

No. 521-C.S.R.

Copy forwarded to the several Departments of the Government of India (including the Financial Advisers), the Private and Military Secretaries to His Excellency the Viceroy, the Auditor General, the Heads of Departments subordinate

to the Finance Department, all Accountants General, the Comptroller, Assam, the Chief Auditors of State Railways and Government Examiners of Railway Accounts, the Examiner of Accounts, Military Works Services, the Examiner of Government Press Accounts, the Controller of War Accounts, the Examiner of Customs Accounts, the Deputy Accountant General, Central Revenues, Delhi, the Auditor, Government of India Sanctions, the Auditor of the Bombay Development Scheme, the Audit Officer, Delhi (new capital), Railway Works Scheme, and the Audit Officer, Khyber Railway Construction.

By order,
P. R. RAU,

Under Secretary to the Government of India.

AMRITSAR GRIEVANCES.

369. * Mr. Pyari Lal : (a) Has the attention of the Government been drawn to an article published in the *Cantonment Advocate* of 10th August 1922 under the heading "Amritsar Grievances" ?

(b) Is it a fact that the trade Licenses of some five shopkeepers of Amritsar Cantonment have not been renewed this year by the Cantonment Committee and inspite of their petitions sent by Registered Post, they have not been informed of the reasons for which the renewal of their licenses has been withheld ?

(c) Is it a fact, that one of the shopkeepers is a cloth merchant and no license is needed in his case—*vide* Section 172, Cantonment Code, 1912 and yet a license is insisted on ?

(d) Is it a fact, that these shopkeepers had complained of the alleged highhandedness of the local Darogha ?

(e) Has the withholding of the renewal of the licenses any connection with this complaint of the shopkeepers ?

Mr. E. Burdon : (a) The Government have seen the article referred to.

(b)—(e). They have no information on the subject but are inquiring. I will let the Honourable Member know the result as soon as possible.

CUSTOMS DUTY ON IMPORTED ARTICLES.

370. * Lieutenant-Colonel H. A. J. Gidney : (i) Will Government be pleased to state :

(a) Whether customs duty on articles imported into India by parcel post is intended to be levied on the real value of the articles, *i.e.*, on their wholesale cash price less trade discount.

(b) if so, whether this intention is not defeated by the form prescribed for consignors in England, inasmuch as that form requires such consignors to enter the value of articles as merchandise, and not, the "whole-sale value".

(c) whether the practice referred to at (b) is due in some measure to the continued use of forms prescribed during the war.

(ii) Do Government propose to bring the matter to the notice of the India Office with a view to altering the form so as to bring it into accord with the position stated at part (a) of this question ?

The Honourable Mr. C. A. Innes : (i) (a). Customs duty is levied on all articles imported into India on "real value" as defined in section 30 of the Sea Customs Act. The value is determined according

as the articles are assessed under sub-clause (a) or under sub-clause (b) of the section. Under sub-clause (a), the real value is deemed to be the wholesale cash price, less trade discount for which goods of the like kind and quality are sold or are capable of being sold at the time and place of importation, and it has been decided that the term "wholesale cash price" shall be interpreted as the "local wholesale market value" irrespective of the price at which transactions are conducted between importers and dealers. Where the "local wholesale market value" is not ascertainable, articles are assessed to duty under sub-clause (b), that is on the average landed cost of such goods. In practice, assessment on landed cost is usually made on the *c.i.f.* cost of each particular consignment as ascertained from invoices plus landing charges. In calculating the "real value" of an importation, whether assessable under sub-clause (a) or sub-clause (b) a deduction is of course made of the amount of duty payable.

(b), (c) and (ii) consequently do not arise.

Mr. Harchandrai Vishindas : Will Government be pleased to state when they propose to take action on the Resolution adopted by the House on the 7th September to remove restrictions on the export of wheat and other food grains ?

Mr. J. Hullah : The matter has been referred for the orders of Government, but I am not able to say when a decision will be reached.

Mr. Harchandrai Vishindas : Is it not a fact that since the debate in the Assembly on this question the rains have been plentiful ?

Mr. J. Hullah : Since the debate the rains have been plentiful everywhere, except in Southern Bombay, Southern Hyderabad and parts of the Madras Presidency.

Mr. Harchandrai Vishindas : Are Government aware that the price of grain, especially wheat, has fallen during the past fortnight and that forward prices of wheat are even lower than present prices ?

Mr. J. Hullah : The price of wheat has fallen in Lyallpur, Karachi, Cawnpore, Nagpur and Calcutta. I have seen a report that forward prices of wheat in the Punjab for October are lower than present prices.

Mr. Harchandrai Vishindas : Another supplementary question. Do Government realise that the Honourable Mr. Hullah made on their behalf in this House a distinct promise that the embargo would be removed at the first favourable opportunity and this month would show whether such an opportunity had come and it was on this distinct understanding and promise that the Assembly agreed to the amendment to the Resolution and the time has now arrived for a definite decision ?

Mr. J. Hullah : I did make that promise. I said that Government would remove the embargo at the first favourable opportunity, but I also said that the course of the monsoon in September would show whether such an opportunity had come. It was a fair inference from that statement that the embargo, if removed, would be removed at or about the end of September. I may remind the Honourable Member that September has not yet come to an end.

Mr. Harchandrai Vishindas : If September does actually come to an end and if that consummation is reached, would Government take the action or not ?

Mr. President : The Honourable Member is asking a hypothetical question.

UNSTARRED QUESTIONS AND ANSWERS.

MUSLIM EMPLOYEES' NOON PRAYERS.

215. **Khan Sahib Maulvi Abdul Quadir :** (a) Will the Government be pleased to state if there is any arrangement to enable the Muslim employees of the Imperial Secretariat in Simla or Delhi to say their noon-prayers ?

(b) If not, do the Government propose to consider the desirability of providing a suitable place both in Simla and Delhi where the Muslim employees may say their noon-prayers on working days ?

The Honourable Sir William Vincent : (a) The answer is in the negative.

(b) In 1919 a room in Gorton Castle was temporarily allotted for use as a prayer-room by Muhammadan Assistants and Clerks, but owing to the pressure on office accommodation it was necessary to resume it in 1920 and it has not since been found possible to re-allot a room. If, however, it should become possible to do so in the future, Government will be glad to set apart a room for this purpose.

BUILDING PLOTS IN AMBALA.

216. **Mr. Pyari Lal :** (a) Is the Government aware of the fact that a large number of open plots of land, outside the Saddar Bazar have been granted during the last year and a half in Ambala Cantonment, for building shops and residential houses ?

(b) Is the Government aware that some shops have been allowed to be constructed just in front of the Penn Symon's Memorial Institute ?

(c) Is the Government aware that the grant of these lands has given rise to great public discontent ?

(d) Will the Government be pleased to lay on the table a statement of all the plots of Cantonment land given to private individuals in the last two years in Ambala, showing the purposes for which each plot has been given and the principles on which the selection has been made in case of there being more than one claimant for a plot ?

(e) Is the Government aware that most of these lands have been given in the time of Lieutenant-Colonel Carvithen, the late Cantonment Magistrate, Ambala ?

(f) Will the Government be pleased to state if the grant of these plots of land, is in any way, connected with the rumoured desire of the local Military Authorities to create another Saddar Bazar ?

Mr. E. Burdon : (a)—(f). The Government of India have no information on the subject, but are inquiring. I will let the Honourable Member know the result as soon as possible.

DRAINS IN AMBALA.

217. **Mr. Pyari Lal :** Is the Government aware that to suit the interests of certain individuals, a public drain running in front of the

Symon's Institute in Ambala Cantonment has been closed and a new Kacha drain about six feet deep, with a circuitous course, has been dug in its place ?

Is it a fact :

- (i) that this new drain has blocked a public passage ?
- (ii) that for closing the old drain and digging a new one, no sanction of the Cantonment Committee was obtained ?
- (iii) that there was a strong protest against this arrangement ?

Mr. E. Burdon : The Government of India have no information on the subject, but are inquiring. The Honourable Member will be informed of the Indian Seamen's Union on the 1st of September :

ALLOTMENTS FOR DEPENDANTS OF INDIAN MERCHANT SEAMEN.

218. **Sir Deva Prasad Sarvadhikary :** (a) Has the attention of the Government been called to the following Resolutions passed at a meeting of the Indian Seamen's Union on the 1st of September :

That this meeting of the Indian Seamen's Union records with pleasure the provision in the notification from the Treasury that £5,000,000 from German reparation money has been earmarked for distribution amongst the dependants of the British Merchant Seamen killed during the War but expresses its regret and great disappointment for the absence of any allotment from the German reparation money for the dependants of the Indian Merchant Seamen killed during the War for the cause of the Empire side by side with the British Merchant Seamen and whose services had been equally recognised with them.

That this meeting of the Indian Seamen's Union respectfully urges the Secretary of State for India to make an allotment of a rateable sum out of the German reparation money for the benefits of the dependants of the Indian Merchant Seamen killed during the War for the cause of the Empire.

That in view of the fact that the dependants of the British Merchant Seamen killed during the War received an award of £5,000,000 out of the German reparation money, this meeting of the Indian Seamen's Union urges on the Government of India to recommend to the Secretary of State for India for a similar rateable allotment for the dependants of the Indian Merchant Seamen killed during the War for the cause of the Empire.

(b) Would the Government please state what action has been taken on the Resolutions ?

(c) If no action has been taken does the Government propose to take action, if so, what action and when ?

The Honourable Mr. C. A. Innes : The attention of Government has been drawn to the Resolutions in question, but no action is considered necessary for the reasons given in the answer to the question (No. 313) asked by Mr. K. Ahmed on the 15th September 1922.

CLASSIFICATION OF TELEGRAPH CHECK OFFICE.

219. **Mr. K. C. Neogy :** (a) Is it a fact that after the reorganisation of the Telegraph Check Office in the year 1912, the work of the office

was with the approval of the then Accountant General, Posts and Telegraphs, Mr. Levett-Yeats, classified and shown as "mechanical" and "non-mechanical" in that office gradation list corrected upto February 1912 ?

(b) Is it a fact that in September 1917 before the time scales were introduced, a scheme for classification of the posts into upper and lower divisions on lines similar to those in the other Post and Telegraph Audit Offices had formally been submitted for the approval of the Accountant General, Posts and Telegraphs ?

PAY OF CLERKS IN POSTS AND TELEGRAPHS, AND STATE RAILWAY AUDIT OFFICES.

220. **Mr. K. C. Neogy** : Is it a fact that in introducing the two different time scales of pay for the upper and the lower division clerks of the Post and Telegraph and the State Railway Audit Offices, it was held by the Comptroller and Auditor General that the work of a "routine" or "mechanical" nature should be paid for at the lower division rates of pay and that, while replying to a reference from that officer regarding Check Office clerks' memorials, dated the 10th December 1919, the Accountant General, Posts and Telegraphs, did not see his way to recommend any better than the lower division rates of pay for that office on the analogy of those sanctioned in March 1919 for the State Railway Audit office ?

PAY OF EASTERN BENGAL RAILWAY AUDIT OFFICE CLERKS.

221. **Mr. K. C. Neogy** : (a) Is it a fact that in point of time the clerks of the Eastern Bengal Railway audit office submitted their memorials praying for upper division time scale of pay on a much later date than that of the submission of similar memorials by the clerks of the Check office and that the upper division rates of pay with full benefit for past services (irrespective of the question as to whether any portion thereof was spent in the lower division work) were sanctioned for the former in April 1920, whereas the Check office case dragged on till July 1921, when the upper division scale of pay was sanctioned for that office, but without any benefit for past services in that scale ?

(b) Is it a fact that injustice done to Check office men was recognised by the Comptroller and Auditor General in December 1919 immediately after the introduction of the time scale of pay in November, that year ?

SERVICE OF CLERKS IN CHECK OFFICE.

222. **Mr. K. C. Neogy** : Is it a fact that only 8 of the upper division clerks in the Check office have been granted the benefit of their past services rendered in the old upper division that existed prior to February 1912, while the rest have been denied the same ?

REVISION IN CHECK OFFICE.

223. **Mr. K. C. Neogy** : Is it a fact that the revision of the Check office in July 1921, has not yet been fully given effect to ?

RECRUITMENT FOR CHECK OFFICE.

224. **Mr. K. C. Neogy** : (a) Is the Government aware that before the introduction of the Apprenticeship Examination in the year 1919

there never existed two different modes of recruitment of clerks for the Check office and that its standard in the past has been the same as that which obtained in the other offices under the Accountant General, Posts and Telegraphs? Is it a fact that in spite of the above and in the face of the explicit opinion (held by one of the three Experts who were recently deputed to reorganise Government accounts on a commercial line) that "man for man the clerks of the Check office are doing equally as good work as the clerks on the Accountant General, Posts and Telegraphs' establishment," the Check office men have been styled "specifically recruited as lower grade clerks"?

(b) Does the Government propose to take any action in the matter at an early date?

The Honourable Sir Malcolm Hailey : The information required by the Honourable Member is being collected and will be furnished to him when it is available.

MOTION FOR ADJOURNMENT.

Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadian Urban) : Sir, I beg to move for the adjournment of the House on a definite matter of public importance, namely, the proposed action of the Government in resorting to the reserve power under section 67B of the Government of India Act and proposing to take the consent of the Council of State to the legislation in regard to the prevention of the dissemination of sedition regarding Indian Princes.

The Honourable Sir William Vincent (Home Member) : May I explain one point at the outset? I think the Honourable Member said that this action was taken by Government. (*A Voice* : "Governor General.") I must make the position clear. It is not the action of the Governor General in Council. It is the action of the Governor General. It is for you, Sir, to consider whether the Governor General in Council can make any recommendation to the Governor General and can in any way question his conduct or his action, particularly when that action is taken under Statutory powers vested in him by an Act of Parliament. It is not, I contend, part of the duty of the Governor General in Council, to make such a recommendation. I submit therefore that this motion for adjournment is out of order.

Rao Bahadur T. Rangachariar : Sir, the right to move for the adjournment of the business of the Assembly is for the purpose of discussing a definite matter of urgent public importance. It is not for making any recommendation to His Excellency the Governor General in Council, as a Resolution is intended to make. Therefore it is a matter for simply discussing a definite matter of public importance. My submission is, whether it is the action of the Governor General or the Governor General in Council, that if the action proposed is one which would affect the public interests of India, it is a matter of urgent public importance which ought to be allowed to be discussed and it is not prohibited by any of the clauses contained in rule 40, namely, that the motion must not deal with a matter on which a Resolution could not be moved.

The Honourable Sir William Vincent : What about rule 40 (v).

Rao Bahadur T. Rangachariar : There is nothing to prevent a Resolution being moved recommending to the Governor General in Council to recommend to the Governor General, because we can make a recommendation to the Governor General in Council to make a recommendation to the Secretary of State. So also we can ask the Governor General in Council to make a recommendation to the Governor General. The two are distinct bodies. They have got definite functions and therefore I submit, there is nothing to prevent the motion. [*A Voice :* "Rule 40 (v)."] Rule 40 (v) says :

"Notwithstanding anything in this chapter, the Governor General may disallow any motion for adjournment for the purpose of discussing a definite matter of urgent public importance on the ground that it cannot be moved without detriment to the public interest."

It is for him to decide if the motion is in order. Here is an action proposed to be taken to-morrow. I want to arrest it if possible by means of advice and discussion. I do not propose this discussion in any carping or criticising spirit. I want to help Government in this matter in order to prevent the action which the Governor General proposes to take to-morrow, which we consider will be fraught with grave danger. I therefore ask for leave to move my motion.

The Honourable Sir William Vincent : I can only assume, I have no right to speak with any authority, that His Excellency the Governor General has fully realised the importance of the step which he has taken ; if however it is possible under the rules to bring this matter again before the Assembly during the present Session and if I could receive any guarantee from this House as to its attitude in regard to this Bill, then I should be happy to bring the matter immediately to the notice of His Excellency. The House will however understand that this is purely a matter for him to decide and I cannot give any indication or make any statement as to what his attitude will be. I will however bring the matter to his notice, if I am satisfied on these two points, with the least possible delay. I am quite sure that Members of the Government are as anxious to avoid the use of these emergency powers as anybody else.

Mr. President : The Honourable Member has asked leave to move the adjournment of the House to discuss a definite matter of urgent public importance, namely, "the proposal of the Government to use the emergency legislative powers reserved under section 67-B of the Government of India Act in the matter of a Bill relating to the prevention of the dissemination of disaffection in British India against Indian Princes or Chiefs of Indian States."

The Honourable the Home Member has drawn the Honourable Member's attention to the fact that this is not action taken by the Government. That is the point upon which the matter turns. The Statute invests the Governor General with a definite power to exercise, under his own discretion ; it does not invest the Governor General in Council with any power of interference or advice in this particular matter. Therefore, it is not a subject on which a Resolution could be moved. This House cannot move and carry a Resolution inviting the Governor General

[Mr. President.]

in Council to invade the province of the Governor General. That seems to me to be the clear and the only possible interpretation of the Act ; and therefore, under sub-clause (5) of rule 12, I am afraid I must rule this request out of order. But in view of what has fallen from the Honourable Member from Madras, and particularly in view of what has fallen from the Honourable the Home Member, I think I am entitled to use the discretion of the Chair to make a suggestion to the Assembly and to the Government. The introduction of this Bill was refused by the Assembly. The Bill has now passed to the other Chamber ; and—here I know I am approaching delicate ground, because I am dealing with a matter which is entirely within the cognizance of the other Chamber, and therefore I put it purely as a hypothesis—if, by the procedure adopted in dealing with the measure in the other Chamber, it were possible for them to come to a conclusion by which rule 40 could be brought into operation, then the other Chamber might invite Members of this Chamber to a Conference under that rule ; I must point out that only as the result of such a Conference could that measure be brought before us again ; otherwise, it has passed finally out of the cognizance of the Assembly. Therefore, I throw that out as a suggestion, as a hypothesis, knowing that, in doing so, I am, as I said, approaching delicate ground, but believing that I have a right to do so in view of the crisis that has arisen.

The Honourable Sir William Vincent : Sir, I only wish to say that I will convey this view, if I may, to His Excellency at the earliest opportunity.

There is however another point on which I am pretty sure I shall be questioned by His Excellency, and that is as to the attitude of this Chamber in the event of the Bill coming before them again. I should like to receive some indication of this, because it is a matter on which, as I have said, I am certain His Excellency will ask me for information. It is only if the certificate was removed, if I understood you correctly, Sir, that the procedure which you adumbrated as possible could come into effect ; in the event of that certificate remaining in force, whether it could be removed is a matter on which I express no opinion—but, in the event of that certificate remaining in force, I myself do not see how this Bill can come again before this Assembly. Therefore it is the more important that I should be able to make some statement to His Excellency on the point to which I referred just now,—namely, the attitude of this Assembly towards the Bill in the event of the course you suggested being feasible and possible.

Rao Bahadur T. Rangachariar : Sir, in view of what has fallen from the Honourable the Home Member, and speaking for myself, Sir,—I am not committing anyone else—it is a matter entirely for our fresh consideration when it comes up to us again. If the ordinary procedure of introducing a Bill in the Council of State were adopted, then I take it they would refer it to a Select Committee, and in the Select Committee the Government would be able to place materials before that Select Committee, and if one House is satisfied that the measure is necessary.....

Mr. President : I will interrupt the Honourable Member for a moment. If we adopt the ordinary procedure of a Select Committee,

such reference will entail a considerable prolongation of the Session. The point I draw Honourable Members' attention to is the feasibility—and I put it forward as only a hypothesis—of a joint Conference,—which means a Conference of an equal number drawn from both Chambers to discover whether any differences that have arisen can be composed.

Mr. Harohandrai Vishindas (Sind : Non-Muhammadan Rural) : Sir, is it intended that the suggestion is thrown out that this Conference should take place during the continuance of the present Session or at the next Session, because if it is contemplated to have it in this Session, that will not be practicable because most of the Members of both Chambers will have departed by the 27th or 28th ?

Rao Bahadur T. Rangachariar : I have suggested to the Honourable the Home Member one course which might be adopted and which would then give us an opportunity to think about the materials the Government have, so as to enable us to come to a fresh conclusion on the matter. If the certificate remains, then I am afraid it will be very difficult for this Assembly to come to a conclusion on the matter,—so as to revise any former conclusion they may have arrived at. That is the difficulty in which we are placed. Of course I cannot give a very definite guarantee ; it depends on the materials placed before.....

The Honourable Sir William Vincent : May I ask the Honourable Member to repeat what he has just said, I could not hear.

Rao Bahadur T. Rangachariar : It depends upon the materials which are placed before us whether we have to consider the matter again.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Urban) : That would be the indication that I should also like to give to the Honourable the Home Member on behalf of my friends on this side of the House. Is the reconsideration that the Home Member suggests to be on the present materials with the Bill in its present form ? Information on this point would help us to decide the matter,—satisfactory information will have a considerable importance in the decision of the Assembly.

Mr. President : The Honourable the Home Member gave us a perfectly correct interpretation of the situation when he said that if the certificate of His Excellency the Governor General stands, then the Bill will not return to this Chamber. I throw out the suggestion in order to avoid a situation at the last moment, in order to avoid the position which might be created ; a Conference between the two Chambers can only be held on the basis of the differences which have arisen regarding the actual Bill : no doubt during that Conference, Members can bring forward other propositions, but the Conference must be held upon the Bill as rejected by this Chamber and now being introduced in the Council of State.

Sir Deva Prasad Sarvadhikary : I was applying myself more to the question of materials, in support of the Bill as well as its form—the question of procedure is of subsidiary interest for the moment. What the Honourable Member suggests would be quite difficult if the certificate stands to avoid a great constitutional crisis. Further materials should be placed before the Assembly which can then be invited to reconsider the matter,

[Sir Deva Prasad Sarvadhikary.]

We are prepared to consider the proposition in the way that you are putting it to us, and also to meet the Home Member. From that point of view the Members would like to know, what other materials are in the possession of the Government, and whether the Government would be willing to place them before the Members if there is to be a Conference, or if there is to be a reconsideration of their attitude ?

The Honourable Sir William Vincent : Sir, the form of the Bill will stand. We have had no intimation that there is any objection to it. As for the materials, on a motion for leave to introduce, with the limited time at my disposal, it was obviously impossible and indeed contrary to the practice of this Chamber to put before the Assembly a detailed statement of every single instance in which the necessity for this legislation was proved. I did cite certain instances ; there are other instances which I have seen, and according to my information there are many others which I have not seen. I cannot say that in any other respect the material which I put before the Chamber will be substantially increased. May I again say that I should like to know what the attitude of the party whom, I understand, my Honourable friend is representing, would be in the event of His Excellency re-examining this matter.

Rao Bahadur T. Rangachariar : May I point out to the Honourable the Home Member that there is nothing in the Standing Orders to prevent him from re-introducing the Bill here or in the other Chamber and adopting that procedure.

The Honourable Sir William Vincent : Sir, as I read the Standing Orders, and as you have interpreted them, there is no objection to our introducing the Bill in the other Chamber ; but I am unable to see any method by which it could be brought before this Chamber again during the present Session—I speak subject to correction. I refer in particular to the Standing Order which prohibits a matter from being discussed a second time in the same Session save in particular circumstances. This Session will go on till March. Standing Order 31 says :

“ A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same Session.”

To that there are certain Provisos and exceptions. I am informed that, according to Parliamentary practice in England, this Bill could not be brought before this Assembly again during this Session.

I spoke just now of the attitude of the Members of this House towards the Bill. I regret that from the leader of one party—I hope I am not using any incorrect expression (A Voice : “It is incorrect.”) from one of the most prominent Members of one party then—I have received no assurance except that this party will re-examine the matter if fresh material is brought before them. From the other party I have received no kind of assurance at all. I think my task would be made easier if I could be quite definitely told what this Assembly is going to do with this Bill if it does come back.

Sir Deva Prasad Sarvadhikary : We share the same sentiments and if Government has other materials at hand, as the Honourable the Home

Member says, I think he ought to favour us with them in order to help us in re-consideration of the matter if it is to be re-examined.

Mr. B. S. Kamat (Bombay Central Division : Non-Muhammadan Rural) : Sir, the only solution which appears to be feasible under the circumstances is that both the parties, the Democratic and the National Parties, should agree only to attend the Conference suggested by the Chair without committing themselves to the acceptance of the principle of the Bill and without laying down a condition that Government should bring in any new material about the Bill, or anything of that sort ; that is, I mean without making any bargain of any kind. By merely agreeing to attend a Conference like this, I do not think we commit ourselves to the principle of the Bill, and by attending this Conference it may be possible to find a way out of the difficulty. Therefore I think the only assurance which both parties in the House should give to the Honourable the Home Member is to attend the Conference suggested by the Chair and nothing further.

Sir Deva Prasad Sarvadhikary : And also to examine the matter again.

Mr. N. M. Samarth (Bombay : Nominated Non-Official) : May I point out, Sir, that it will be well if the Home Member places before the suggested Conference the proceedings of the last Chamber of Princes, where this matter was fully discussed. That would be of great assistance to the Conference in considering the subject. The very fact that no reference was made to the Resolution passed at the last Chamber of Princes was responsible for this House taking the view which has ultimately prevailed with it. If that material is placed before the House, then, I say, the House will be in a position to reconsider the matter, and come to a decision which may ultimately be acceptable to both Houses and to the Governor General.

The Honourable Sir William Vincent : Sir, I am afraid the Honourable Member is going a little too fast when he talks of a Conference. (*Mr. N. M. Samarth* : "The suggested Conference.") I must remind him that the matter is entirely within His Excellency's discretion. I think indeed, if I may say so, that this Honourable House has placed itself in a singularly unfortunate position by the action which it took the other day. It is not for me to criticise, but that is my feeling. But I venture to make a practical suggestion and that is if you, Sir, would adjourn the House at midday a little earlier and allow me an opportunity of meeting one or two of the prominent Members of this Assembly before I convey their message to His Excellency, it is possible that we might be able to arrange something to the satisfaction of all parties.

Mr. President : I shall be very willing indeed to meet the convenience of the Home Member and of the House in general on this point. If I may take you a little further into my confidence, I may say that I have spent a good deal of time trying to find whether there was not a way out of the difficulty, which, as the Honourable the Home Member very rightly says, is partly at all events the creation of this House. I thought I had found a little door by which we might escape from the difficulty ; but, as the Honourable the Home Member has done right to warn us, those who

[Mr. President.]

wish to extricate themselves from the difficulty by passing through that door will have to walk warily.

SITTINGS OF THE LEGISLATURE.

Mr. Harchandrai Vishindas (Sind : Non-Muhammadan Rural) : Sir, I have to ask your permission to make a suggestion for the consideration both of Government and this Assembly. I suggest that for the future the Simla Session may be scrapped and that we continue sitting in Delhi. First, we may sit for the three months January to March as usual in Delhi; and the rest of the Session also we may sit there at the time when Government is in Delhi, that is, in October and November. If five months are not required but only four, so much the better. Then I would divide the Session into these parts, January and February and October and November.

My reasons for this suggestion are these. When this exodus question was originally raised in Delhi in the first Session with, I may say, very great jubilation, we came to a majority conclusion that we had better sit in Simla as an experiment. Using that word "experiment" in the sense in which it has been used on a very memorable occasion recently, that experiment has failed. As a very humorous correspondent of the *Times of India* has remarked, the voice of the speaker in the Assembly is often fairly drowned in a chorus of coughs and sneezes. The Members of the Assembly whom I have consulted, excluding of course the Punjab Members for reasons which are quite obvious, are in favour of my proposal.

But most of the Assembly Members whom I have consulted—I am not wrong in saying

Mr. Muhammad Yamin Khan (Meerut Division : Muhammadan Rural) : I rise to a point of order. We have got no such things on the agenda about which my Honourable friend is talking.

Mr. President : I do not think the Honourable Member should be too great a stickler for Parliamentary etiquette.

Mr. Harchandrai Vishindas : I may inform the Honourable Member who just now got up that just as Sir Deva Prasad Sarvadikhary did the other day I asked the permission of the Chair to make an ordinary suggestion, not a Resolution, upon which this House could come to a decision. It will be for the consideration of both the Government and this Assembly. I think this is an opportune time to make the suggestion, because perhaps this is the last day of our sitting. I only want to throw out the suggestion. It is not binding on the House or Government to accept or otherwise. I read a proposal of that kind somewhere, and therefore I thought I might bring it to the notice of this House. Also, there is another consideration. On the Resolution moved by Mr. Subrahmanayam the other day, a good deal of complaint was made about accommodation of orthodox Members in Simla. We are scattered in several places in Simla. Some live in Summer Hill, some in Longwood

Hotel, some at "The Mythe," some in the Cecil Hotel, and so on. We were very comfortable in Raisina, and I think even orthodox Members were more comfortable there than even in their own homes. (Laughter.) Not a single complaint about kitchens or residential accommodation was ever raised, whereas here in Simla you hear complaints of all kinds, and you, Sir, were obliged to make some kind of apology the other day, from which also you would be safe. Another thing is that we feel extremely cold and wet here in Simla. (Laughter.) When we passed a Resolution in Delhi last year, a kind of challenge was thrown out to Simla to be of good behaviour, but I am afraid Simla has not been on its best behaviour, because quite unusually and unprecedentedly during these two years the rain has gone on beyond its usual limit. Whereas the rain used to stop before the middle of September, say about the 10th, it has gone on nearly up to the end, which means that Simla says to us "Don't come to me, I do not want you." Now, there is one thing more. My proposal does not in any way trench upon the movements of the Government, because I am proposing a Session to be held in Delhi in those months in which under any circumstances Government would be there. I only throw out this suggestion for the consideration of this House. It is left to them to accept it or not.

The Honourable Sir William Vincent (Home Member): I think, Sir, the Honourable Member will hardly expect me to announce any decision on a matter of this importance without notice. I am not a great stickler for etiquette in these matters, but I imagine that the Honourable Member must have decided yesterday or on Saturday to make some statement on this subject to-day. Possibly as my Honourable colleague suggests, he only arrived at this decision when the weather improved, but in any case I think he might have given me private notice of his intention to raise this subject. I will place what he has said before the Government not further than that I can make no promise, and indeed if this Assembly seeks to indicate its wishes in this matter, then I suggest (*Voices*: "No, no," and "Yes")—Honourable Members must wait till I have finished—if this Assembly wishes to give some indication of its desire in this matter, ample opportunities will be afforded to it in the Delhi Session, when anyone can move a Resolution on the subject, and then we shall have not only the very valuable opinion of Mr. Harchandrai Vishindas alone, but also the opinion of others including those of the Punjab Members, who must also be treated with equal consideration.

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadian Urban): Sir, I think this would be a suitable occasion to announce whether there is to be a November Session or not. A great deal will depend on that. According to some legal lights it is doubtful whether we are going to have another Session after March or not. The longevity of the present House beyond March being questioned in some quarters, we ought to consider how much work we can do between now and March.

Dr. Nand Lal (West Punjab: Non-Muhammadian): Sir, it is not less than a surprise to us that the Honourable Member from Karachi has given his opinion against the Simla Session. He has set forth a number of grounds and none of them has got any force. He says it

[Dr. Nand Lal.]

rains heavily here and therefore there should be no exodus to Simla. He had better appeal to nature, and not to this Assembly. (Laughter.) You have got to look to the interests of the country, not to the interests of your comfort. We are here to see what the country wants. If you judge and examine, you will find that the amount of work which we have done here in this Session could not be done within two Sessions at Delhi. (Hear, hear.) My Honourable friend suggests that there should be a longer Session at Delhi. I have no quarrel, so far as that idea is concerned, but I say that one of the Sessions must be here at Simla. Supposing some urgent public matter required our attention, during the period that the Government is in Simla, then he would be sorry for having made this suggestion. The Simla Session, as I have already submitted, is one of the most important and necessary Sessions, and the suggestion which has been thrown out by my Honourable friend is, if I may say so, not a right one.

THE INDIAN MINES BILL.

The Honourable Mr. C. A. Innes (Commerce and Industries Member) :
Sir, I beg to move :

“ That the following nine Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to amend and consolidate the law relating to the regulation and inspection of mines, namely :

Mr. A. C. Chatterjee,
Mr. N. M. Joshi,
Maulvi Abul Kasem,
Mr. N. C. Sircar,
Mr. N. M. Samarth,
Mr. P. P. Ginwala,
Mr. B. N. Misra,
Dr. H. S. Gour, and
The Mover.”

Mr. President : The question is :

“ That the following nine Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to amend and consolidate the law relating to the regulation and inspection of mines, namely :

Mr. A. C. Chatterjee,
Mr. N. M. Joshi,
Maulvi Abul Kasem,
Mr. N. C. Sircar,
Mr. N. M. Samarth,
Mr. P. P. Ginwala,
Mr. B. N. Misra,
Dr. H. S. Gour, and
The Honourable Mr. C. A. Innes.”

M. K. Reddi Garu (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : I propose Mr. Venkatapatiraju's name be also included.

Mr. President : The motion will have to be amended, but before I accept that amendment, has the Honourable Member got his assent ?

M. K. Reddi Garu : Yes, Sir.

Mr. President : Will the Honourable Member produce it ? In a case like this, the Member who proposes the addition must produce in writing the authority of the Member whose name is proposed.

The Honourable Mr. C. A. Innes : Sir, Mr. Reddi would have consulted my convenience, the convenience of the House and the course of public business if he had mentioned this suggestion to me beforehand. As it is, it has entirely taken me by surprise, and I would point out that if Mr. Reddi's amendment is carried, it will delay the passage of this Bill certainly for a long time, for under the Standing Orders where we have a Joint Committee, there must be an equal number of Members from each House. If, therefore, this amendment is accepted, it will mean that we shall have to make another reference to the Council of State and get another Member appointed by the Council of State. Under these circumstances, Sir, I am afraid, I must oppose the amendment.

Mr. Abul Kasem (Dacca Division : Muhammadan Rural) : Sir, may I make a suggestion ? Certainly Mr. Innes is right in saying that if we add another name it will be necessary to refer to the other House ; but can we not make that change without increasing the number nine, namely, by substituting one name for another ? As Mr. Reddi has made the suggestion, it must be for some important reason. Perhaps it is that Mr. Venkatapatiraju has studied the subject carefully. I would suggest that his name be substituted for mine. That will save all trouble, and bring about a useful settlement.

The original motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

[AMENDMENT OF SECTIONS 362 AND 366.]

The Honourable Sir William Vincent (Home Member) : Sir, I beg to move :

“ That the Bill to amend sections 362 and 366 of the Indian Penal Code be taken into consideration.”

Honourable Members are well aware that by this Bill we seek to give effect to the action which we have already taken, with the approval of this Chamber in ratifying certain Conventions. It only remains for me to show how the provisions of this Bill will secure that the offences specified in Articles 1 and 2 of the Convention will become offences under our law.

If Honourable Members will look at the Bill for one moment, they will see that the definition of “ abduction ” is amended. Section 362 will now read as follows :

“ Whoever by force compels, or by intimidation, abuse of authority or any deceitful means induces, any person to go from any place, is said to abduct that person.”

The wording was adopted so as to conform generally to the wording in the Code ; but I think Honourable Members will see that these words do cover the provisions of Article 2 of the Convention which has been reproduced in the Statement of Objects and Reasons. The words there are, “ or by means of violence, threats, abuse of authority, or any other method of compulsion, etc.” This amendment of the definition will also affect obviously the substantive offence in section 366. By this amendment we have provided for the punishment of the acts specified in that article of the Convention to which I have referred.

[Sir William Vincent.]

I turn for a moment to Article No. 1. This again comes under section 366 by reason of the amendment which will be made by sub-clause (1), which will read as follows :

“Whoever kidnaps or abducts any woman, or by any means whatsoever induces any minor girl under the age of sixteen years to go from any place or do any act with intent that such woman or girl may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

Those words, as we contend, bring within the scope of the Penal Law the acts described in Article 1 of the Convention.

The last amendment of the law which it is proposed to make is that included in sub-clause (2), which provides that :

“A person shall be deemed to have committed an offence under this section who brings into British India any woman or girl in respect of whom he has out of British India committed, or abetted the commission of, any act which if committed in British India would be such an offence.”

This is to provide against the importation of a foreign prostitute under a certain age.

I know that it may be said—and, in fact there is authority for the statement, that abduction is a continuing offence and possibly there was no great necessity to add these words to section 366. We thought it advisable to make the point clear beyond all possibility of doubt. The position is that by these small amendments we shall effect the desired increase in the stringency of the law and meet the purposes of the Convention.

Under section 362 we have found it necessary to provide for cases of intimidation and abuse of authority, which do not perhaps fall under the existing word “force.”

Under section 366 we have extended the provisions of the law so as to cover the case of procurement of a minor girl under 16, who has no guardian. If she had a guardian, of course kidnapping from lawful guardianship would be an offence.

The next point is this question of age. I am well aware that many Members of this Assembly would like to see the age raised above 16 years. I stated when dealing with this Bill on a recent occasion that there were a number of Local Governments who did approve of the increase in the age. The Governments of Madras, Bengal, and United Provinces, however, consider that we should adopt the age of 16, and I think myself that in a matter of this kind we should be wise if we accepted those opinions, which make rather for leniency than those that make for drastic and far-reaching changes in the law. The Punjab Government is in favour of either retaining the age of 16 or increasing it to 18. The Advocate-General of Madras has given an opinion on this matter which I think is deserving of consideration. He says : “I am of opinion that, having regard to the need of enlisting

public opinion on the side of the proposed measure, and to the many practical difficulties affecting Hindu religious or social customs, and especially the early marriage of Hindu girls, the age limit should be fixed at 16. The age of maturity is no doubt 18, but this consideration is not much relevant, though my personal view is that 18 might be fixed. I do not think this will be supported by general opinion."

As the Local Governments have fixed a more advanced age, I myself am not sure that they have realised the very wide nature of the Bill, which I dealt with in this Assembly a few days ago. It is a question really for Members to consider whether there is at present reasonable ground for making it an offence to procure, entice or seduce, even with her consent, a girl of, say, 17 years of age, with the object of gratifying the passion of another, at the same time remembering that it would not be an offence to sell or let to hire, or otherwise dispose of the same girl with the intent that she might be used for purposes of prostitution. I suggest that the whole of our Penal Law at present is based on this age of 16, and that it would be well to maintain that age for the present. I have only in conclusion to give reasons for proposing that this Bill be taken into consideration, and that is that we are bound to give effect to the Convention which we entered into with the other Powers, within a fixed time. If, however, the Honourable Members of this Assembly think that it would be wiser to refer this Bill for examination by a Select Committee, I myself should not object to the course; but in view of our obligations in this matter, I thought it right to bring the present motion forward. If the Bill is referred to a Select Committee, the question of age and the adequacy of the present provisions can be further examined. But I am quite sure that no Member of this Assembly will dispute the principles of the measure now under consideration.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move the amendment

12 noon.

that the Bill be referred to a Select Committee.

Sir, I move this amendment as I find that the Bill goes beyond the scope of the objects given in the Statement of Objects and Reasons accompanying this Bill. I think that this Bill was meant to suppress the international traffic in women and children. Moreover, the Bill, as will appear from clause 3 (1), is not clearly worded and requires much modification which can not be done satisfactorily during the present debate. I think, that these defects could only be remedied in the Select Committee. I therefore propose that this Bill be referred to a Select Committee so that it may be brought up again before us in the January or February Session. I do not think that there is any hurry or emergency for this measure such as to pass it at to-day's sitting.

The Honourable Sir William Vincent has said that it is all a question of time. He has no objection to refer the matter to a Select Committee. He wants that the amendment of this law should be made within a particular period after our ratification of the Convention. He therefore desires that we should pass this Bill to-day; but I beg to submit that a delay of a month or two will not matter much and is not a proper cause for not referring this matter to a Select Committee.

The Honourable Sir William Vincent : Sir, I only wish to ascertain what the wishes of this House are. I think it would be a good thing if we passed this Bill to-day and I shall vote for its being passed, but, if there is a majority against me, then I shall, in my usual way, cheerfully accept the wishes of the House.

Mr. President : The original question was :

“ That the Bill to amend sections 362 and 366 of the Indian Penal Code be taken into consideration.”

Since which an amendment has been moved :

“ That the Bill be referred to a Select Committee.”

The question I have to put is that the Bill be referred to a Select Committee.

The Assembly then divided as follows :

AYES—35.

Abdul Quadir, Maulvi.	Misra, Mr. P. L.
Abdulla, Mr. S. M.	Mukherjee, Mr. J. N.
Agarwala, Lala Girdharilal.	Nag, Mr. G. C.
Agnihotri, Mr. K. B. L.	Nand Lal, Dr.
Ahmed, Mr. K.	Neogy, Mr. K. C.
Arbuthnot, Mr. B. E. V.	Pyari Lal, Mr.
Barodawala, Mr. S. K.	Rangachariar, Mr. T.
Barua, Mr. D. C.	Reddi, Mr. M. K.
Cotelingam, Mr. J. P.	Samarth, Mr. N. M.
Das, Babu B. S.	Shahab-ud-Din, Chaudhri.
Faiyaz Khan, Mr. M.	Shahani, Mr. S. C.
Gour, Dr. H. S.	Sinha, Babu Ambika Prasad.
Ikramullah Khan, Raja M. M.	Sinha, Babu L. P.
Jatkar, Mr. B. H. R.	Sohan Lal, Bakshi.
Kamat, Mr. B. S.	Srinivasa Rao, Mr. P. V.
Lakshmi Narayan Lal, Mr.	Venkatapatiraju, Mr. B.
Misra, Mr. B. N.	Vishindae, Mr. H.
	Yamin Khan, Mr. M.

NOES—34.

Abdul Rahim Khan, Mr.	Innes, the Honourable Mr. C. A.
Abul Kasem, Maulvi.	Lindsay, Mr. Darcy.
Allen, Mr. B. C.	Mitter, Mr. K. N.
Asad Ali, Mir.	Moir, Mr. T. E.
Bradley-Birt, Mr. F. B.	Muhammad Hussain, Mr. T.
Bray, Mr. Denys.	Muhammad Ismail, Mr. S.
Bridge, Mr. G.	Mukherjee, Mr. T. P.
Burdon, Mr. E.	Percival, Mr. P. E.
Butler, Mr. M. S. D.	Ramayya Pantulu, Mr. J.
Crookshank, Sir Sydney.	Sapra, the Honourable Dr. T. B.
Dalal, Sardar B. A.	Sarfraz Hussain Khan, Mr.
Davies, Mr. R. W.	Singh, Mr. S. N.
Gidney, Lieutenant-Colonel H. A. J.	Slocock, Mr. F. S. A.
Ginwala, Mr. P. P.	Subrahmanayam, Mr. C. S.
Hajeebhoy, Mr. Mahomed.	Tollinton, Mr. H. P.
Hudson, Mr. W. F.	Waghorn, Colonel W. D.
Hullah, Mr. J.	Zahiruddin Ahmed, Mr.

The motion was adopted.

Mr. President : The motion which has just been carried necessitates the appointment of the personnel of this Committee, otherwise the Committee cannot come into existence until the Chamber meets again in

Delhi. If he will consider the matter, we shall be sitting again ; but I give him that warning.

The Honourable Sir William Vincent : Perhaps the Honourable Member will consult with me during the luncheon hour when we can make up a list of names and find out if Members are willing to serve.

Mr. K. B. L. Agnihotri : Yes.

THE INDIAN NAVAL ARMAMENT BILL.

Mr. E. Burdon (Army Secretary) : Sir, I move for leave to introduce :

“ A Bill to give effect in British India to the Treaty for the Limitation of Naval Armament.”

The purpose and significance of the Bill are clearly set forth in the Statement of Objects and Reasons and I do not think it is necessary for me to say more than a very few words in support of the motion. The legislation contemplated arises out of a Treaty with the contents of which, I am sure, the Honourable Members of this Assembly are thoroughly familiar and thoroughly in sympathy,—the Treaty for the Limitation of Naval Armament, which was signed at Washington on behalf of His Majesty the King and certain other Powers on the 6th of February, 1922. The object of the contracting powers in making the Treaty was to contribute to the maintenance of the general peace and to reduce the burden of competition in armaments. An Act giving effect to the Treaty has already been passed by the British Parliament, which extends to the whole of His Majesty's dominions except India and the self-governing Dominions. It was considered to be more convenient that the Indian Legislature should be asked to pass a separate Act which would contain any special provisions necessary to meet Indian conditions. The Bill which I now beg leave to introduce naturally however follows to a large extent the lines of the English Act. I am quite sure that the motion to introduce the Bill, in view of the principles which the Bill embodies and the purpose which it seeks to achieve, requires no further justification from me.

The motion was adopted.

Mr. E. Burdon : Sir, I introduce the Bill.

THE CRIMINAL TRIBES (AMENDMENT) BILL.

The Honourable Sir William Vincent (Home Member) : Sir, I move:

“ That the Report of the Select Committee on the Bill further to amend the Criminal Tribes Act, 1911, be taken into consideration.”

This Bill is really a non-controversial Bill and we have examined it with considerable care in the Select Committee. I can indeed add nothing to the report, which shows the changes that have been made. The most important change is in the clause which provides that before certain action is taken against a criminal tribe there should be a formal inquiry made. Another important change made in the Act is that we have

[Sir William Vincent.]

now provided that no person who is a British subject shall be transferred to an Indian State even if he does belong to a criminal tribe and that no reciprocal arrangements shall be made with an Indian State unless the Government of India are satisfied that proper measures will be taken there not only for restricting the movements of this criminal tribe, but also for promoting its welfare. I may say that I believe that all the Members of the Select Committee who sat on this Bill have accepted the changes. I myself think they are great improvements in the Bill and I commend the Bill to the support of this House.

The motion was adopted.

The Honourable Sir William Vincent : I move that the Bill, as amended, be passed.

The motion was adopted.

THE POLICE (INCITEMENT TO DISAFFECTION) BILL.

Secretary of the Assembly : With your permission, Sir, I lay on the table the Bill to provide a penalty for spreading disaffection among the police and for kindred offences, as passed by the Legislative Assembly and amended by the Council of State.

The Honourable Sir William Vincent (Home Member) : Sir, with your permission I seek, under Rule 34 of the Indian Legislative Rules, to move that the amendments made by the Council of State in the Bill be taken into consideration.

The reason for my bringing this matter before the Assembly to-day is that on the last occasion when this Bill was discussed, I gave certain undertakings to various Members of this House. One, I remember, was to Mr. Cotelingam in particular. Dr. Gour, I think, also asked me to give him some guarantee on another point about which he was in doubt ; and I thought it was only right that I should take the earliest opportunity of satisfying the Honourable Members of this House that I have done my best to give effect to the proposals which were made.

The main changes which I promised to make were (i) to provide that no offence under this Bill should be triable otherwise than by a first-class Magistrate. That has been inserted. Another suggestion made to me was that cases under this Bill should not be triable summarily. On that point I did not at the time give any assurance but I have had this also inserted into the Bill. The third point was that raised by Mr. Cotelingam, that action taken by any individual for the purpose of promoting the welfare or interest of any member of a police force by inducing him to withhold his services in any manner authorised by law should be specifically exempted from penalty. My own impression was, and indeed is, that this was sufficiently safeguarded by the Bill as it stood. However, we have now inserted in the Bill a specific amendment on this point and I may say that this was drafted in consultation with and with the approval of Mr. Cotelingam. (*Mr. J. P. Cotelingam* : " I accepted the amendment ")

I have now attempted to assure the House that I have made all the changes that they asked me to make in this Bill, and I trust that they will accept the motion and pass the Bill now before them.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions : Non-Muhammadan) : I should like to move an amendment to that Bill. In clause 6, with your permission, Sir, I move an amendment that between the words " class " and " shall "

Mr. President : We have got to pass the motion that the amendments made by the Council of State be taken into consideration before we consider them.

The motion, that the amendments made by the Council of State be taken into consideration, was adopted.

The Honourable Sir William Vincent : May I rise to a point of order on some of the amendments of which I have received notice from Mr. Agnihotri ?

Mr. K. B. L. Agnihotri : I am not going to move the first amendment.

Clauses 3, 4 and 5, as amended by the Council of State, were adopted.

Mr. K. B. L. Agnihotri : Sir, I beg to move an amendment to clause 6, which is :

" To insert between the words ' class ' and ' shall ' the words ' specially empowered by the Local Government in this behalf '."

My reasons for moving this amendment are practically the same as those for the introduction of this clause by the Council of State. I wish to provide an additional safeguard. We wanted that offences under this Bill should only be tried by experienced Magistrates and a request was therefore made by the House to the Honourable Sir William Vincent to introduce such a clause as clause 6 of the Bill—which he has been pleased to put in and which the Council of State has passed. If we look into the provisions of the Criminal Procedure Code and the Indian Penal Code, we find that the offence of sedition under section 124-A or its dissemination under section 108 of Criminal Procedure Code are triable only by a first-class Magistrate specially empowered in this behalf by the Local Government. The offence defined in the first part of section 3 in this Bill is practically the same as that in section 124-A of the Indian Penal Code or section 108 of the Code of Criminal Procedure. That section requires very clear understanding by a Magistrate. I therefore submit that as is provided in section 108 of the Criminal Procedure Code and in case of offences under section 124-A of the Indian Penal Code, so it should be provided for trial of offences under this Bill that only such Magistrates shall try offences under this Act as are specially empowered by the Local Government in this behalf. It is very difficult to find out whether certain expressions of the offender were only expressions of disapprobation of measures or administrative actions of the Government or were intended to cause disaffection so as to bring the offender within the definition of the offence of sedition. There is a very fine difference between these two

[Mr. K. B. L. Agnihotri.]

and it is but proper that only the experienced Magistrates be authorised to try such offences. I therefore move this amendment and commend it to the acceptance of the House.

Mr. President : Amendment moved :

“ That in new clause 6 inserted by the Council of State, after the word ‘ class ’ insert the words ‘ specially empowered by the Local Government in this behalf ’.”

The Honourable Sir William Vincent : Sir, I hope the House will not accept this amendment. After all, we have gone as far as possible to meet the Members of the Assembly. I was asked on the last occasion to insert a proviso to ensure that offences under this Act should only be triable by first class Magistrates. I have done so. I was asked to provide that an offence under this Act should not be triable summarily. I have done so. I was asked to provide additional safeguards by Mr. Cotelingam. I have done so. No sooner has this been done and the Bill been accepted by the Council of State than I am asked to put something else in the Bill. The acceptance of this will mean, I need not point out to the Assembly, delaying this legislation further again. The Bill will have to go back to the Council of State and come back here and I really believe that it is entirely unnecessary. The maximum punishment that may be awarded is six months' imprisonment. Far more important cases are tried by first class Magistrates every day, and as I say, on the ground that it is unnecessary and that it will really involve delay, as well as on the ground that an amendment of this kind has been brought at the last minute, I ask the House to reject it.

The motion was negatived.

Clause 6, as added by the Council of State, was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Rai Bahadur Bakhshi Sohan Lal (Jullundur Division : Non-Muhamadan) : Sir, I beg to move :

“ That the Bill further to amend the Indian Penal Code be referred to a Select Committee consisting of Sardar Bahadur Gajjan Singh, Mr. Shahani, Mr. Ginwala, Mr. Joshi, Mr. T. V. Seshagiri Ayyar, Mr. M. K. Beddi, Dr. H. S. Gour, Rai Debi Charan Barua Bahadur, Mr. Girdharilal Agarwala, Mr. K. G. Bagde, Sardar Gulab Singh, Raja Ikramullah Khan, Mr. M. W. Hussanally, Colonel Gidney, Mr. Harchandrai Vishindas and myself.”

(*Some Honourable Members :* “ The Law Member and the Home Member ”.) The Honourable the Law Member and the Honourable the Home Member. The amendment is an important amendment and so I have placed a long list before the House.

Sir, in moving to refer this Bill to a Select Committee I need not repeat what I have said as to the aims and objects of the Bill, nor what I have said on the previous stages of the Bill. I may be allowed to point out that the orthodox theory that Hindu religion demanded early marriage of the girls was thoroughly thrashed out and totally exploded in 1891 when the limit of the age of consent was raised from 10 to 12 years. Really no religion teaches that marriage should take place before the parties to a marriage

are fully developed in body and mind and fit to carry out the responsibilities of a married life. Early marriages are due not to any mandate of religion but to ignorance of religion and to the total disregard of the laws of nature and due to want of a sense of justice towards our sisters' health and constitution. So far as religion is concerned, I may refer to certain *mantras* of the Vedas, the highest and oldest authority in the Hindu religion which declares as follows. Rigveda, *Mandal* 1st, Chapter 179, Verse 4, *Mantra* 1, we have :

“ Men and women should marry after they have attained full growth and strength of mind and body as well as perfect knowledge and moral training and completed the Brahmachari Ashram.”

Then Rigveda, *Mandal* 3, Chapter 8, *Mantra* 4 :

“ That youth becomes glorious and beneficial to the world who is accomplished in all respects and who has observed the Brahmachari Ashram, acquired sound knowledge and moral training, is well equipped with many qualities and enters family life after attaining full maturity of intellect and physical constitution.”

Then Rigveda, *Mandal* 3, Chapter 4, *Mantra* 16 :

“ Like the cows not milked by anybody, let the perfectly youthful women undertake the responsibility of maternity after attaining full maturity and marrying youthful husbands.”

Then Manu Smriti, Chapter 9, *Shloka* 90 :

“ Let a damsel seek a husband three years after the beginning of menstruation.”

Then Sushrat Shrirasthan, Chapter 35 and Chapter 10 :

“ Man on completion of 25 years and woman on completion of 16 years of age get full development of physical fitness for sexual intercourse.”

The impregnation of a woman under 16 or by a man under 25 is either miscarried before time or if it matures into a regular birth the child born will not live long and if it lives at all it will be sickly and weak in constitution. So consummation with an immature girl is not allowed. Again you find in the Infant and Child Mortality Reports, 1907—11, of Great Britain and Ireland, pages 53 and 54 :

“ Excessive infant mortality is often ascribable to too early motherhood. The ages of both husband and wife have bearing on the life prospects of the offspring. Korosi showed many years ago that the youngest mothers had the greatest number of weakly children and the large children are produced by mothers of a mature age. All the counties with a high proportion of wives under age have a high infant death rate. At the other end of the scale, all the counties having a low proportion of wives under age have low rates of infant mortality. Early marriages are thus commonly associated with excessive infant mortality.”

Infant mortality per thousand births in India as given in statistics of British India, Volume III, Public Health, in 1919, is 224. In the United Kingdom of Great Britain and Ireland it is 89. This difference is mainly if not wholly due to early marriages in India as compared with late marriages in the United Kingdom. The children born of immature mothers, who do not die in the first year after birth are so sickly and weak that even on growing older they do not possess that physical constitution, that mental energy and that manly courage as those produced by mothers of mature age. The effect of early consummation and early maternity on the constitution of the woman is horrible, if not disastrous. She never enjoys the benefit of the age of youth. From childhood she at once

[Rao Bahadur Bakhshi Sohan Lal.]

passes to old age. If she is attacked by any disease she has no power to resist the sickness and succumbs to the effects of the disease. Pthisis, tuberculosis, consumption, rheumatic pains and general debility are the special diseases of young females in this country. The statistics of birth and death in this country show lesser number of the females born than males but it is very strange that a larger number of females between the ages of 20 and 30 die than the males of that age. By allowing early consummation and early motherhood, the girl's constitution is reduced so weak as to increase the rate of mortality among females of between 15 and 30 years of age; and by early marriage we also deprive females from the advantages of education and independent means of earning their livelihood. In the opinions so far collected the soundness of the principle of the Bill is not denied. 17 opinions have come to us. These opinions can be divided into four categories, (1) those who support the Bill to its fullest extent whether the girl is married, unmarried or widowed and whether the accused is the husband of the girl or a stranger. These opinions are numbered 6, 8, 13, 15 and 16. No. 6 is the opinion of the Government of Burma to the following effect :

"The Honourable the Judges of the Chief Court of Lower Burma, the Judicial Commissioner of Upper Burma, the Bar Association of Burma and Mandalay, some of the representative Hindu and Muhamadan associations and a few of the leading members of the Parsi community were consulted on the provisions of the Bill and such of the replies as contain anything of interest are enclosed for the information of the Government of India. It will be observed that the balance of opinion is very strongly in favour of the proposed amendment. It is supported not only by the Sikhs and Parsis but also by the representative Hindu associations. The measure will not be repugnant to any of the religious or social customs of this province and in the opinion of the Lieutenant-Governor would receive the general approval of the Burmese population."

No. 13 is the opinion of the Government of Assam submitting to the Government of India note recorded by the Government Pleader, Sylhet, supporting the Bill to its fullest extent. No. 15 is the opinion of the Government of United Provinces fully supporting the Bill. No. 16 is the opinion of the Bombay Government in support of the Bill. No. 8, from the Honourable Sir George Maffey, K.C.V.O., C.S.I., C.I.E., Chief Commissioner, North-West Frontier Province, is in support of the Bill. No. 13, the opinion of the Chief Secretary to the Government of Assam, to the Secretary to the Government of India, Legislative Department, is as follows :

"As to the first objection, it may be taken that the Legislature in accordance with considerations of health and humanity will agree that changes ought to be made in religious ceremonies of the nature in question and that still holds good. There have been instances in which the British Government, on grounds of humanity, has interfered with morally objectionable practices. It is well known that girls become mothers before they are physically fit for it, and the consequences have been serious deterioration of health and have led to their premature deaths and of their children. "The age of consent should therefore be raised to 14."

There are also 15 and 16, to the same effect. (2) The second category of opinions takes exception in favour of the husband of a girl whose marriage consummation has taken place between the 12th and 14th

year, and who should be given a lesser punishment, say, not exceeding two years or a fine or both. Then there are Nos. 11, 12 and 17. (3) There is a third body of opinion recommending no punishment for the husband, and there are Nos. 2, 4, 5, 7, 9 and 10 and 14. (4) The fourth category of opinions Nos. 1, 3 and 13 express no opinion. Thus, under the circumstances, the Bill deserves to be referred to a Select Committee to consider the harm done to the women, to the children, and to the nation, by the early consummation and early maternity in this country, as compared with the desirability of continuing the evil custom of early marriage.

For these reasons, I recommend that the Bill be referred to a Select Committee.

Mr. President : The question is :

“ That the Bill further to amend the Indian Penal Code be referred to a Select Committee consisting of Sardar Bahadur Gajjan Singh, Mr. Shahani, Mr. Ginwala, Mr. Joshi, Mr. T. V. Seshagiri Ayyar, M. K. Reddi Garu, Dr. H. S. Gour, Rai Debi Charan Barua Bahadur, Mr. Girdharilal Agarwala, Mr. K. G. Bagde, Sardar Gulab Singh, Raja Ikramullah Khan, Mr. W. M. Hussanally, Colonel Gidney, Mr. Harchandrai Vishindas and the Mover.”

The Honourable Sir William Vincent (Home Member) : Sir, I do not propose to repeat during my remarks to-day the cautionary observations which I addressed to the Assembly a few days ago on the subject of this Bill. I should like on the other hand to assure the House that Government are greatly in sympathy with the objects which the Honourable Member has in view though I am not able to endorse some of the statements which he made in the course of his opening speech ; but at the same time there are certain points which it is my duty to bring to the notice of the House. In the first place I must remind the House that if the Assembly accepts this motion, they will, on your ruling, Sir, accept the principle of this Bill. They must be under no illusion in that respect. Sir, we have received opinions from all Local Governments, I think, on this Bill, and both the Bill itself and the opinions deal with two different questions. The Bill seeks—to put it very shortly—to raise the age of consent from 12 to 14 both in the case of married women and unmarried girls, and it also seeks not only to make it a penal offence to have intercourse with a girl under 14 years of age, but to make that offence punishable with the same penalties that are now awarded, or may be awarded, in rape cases, whether the girl is or is not married, to the man with whom she has such intercourse. Now, of the opinions—I have attempted to distinguish the two parts of the Bill because the opinions vary in respect of the different parts of the Bill, some favour an increased age as regards unmarried girls, while they disapprove of it in regard to married women. The Government of Madras, for instance, agree that the age might be increased in the case of unmarried girls, but they say that Government should certainly not express any strong opinion either for or against the increase in the case of married girls. The Government of Bombay, always an advanced Government, favours the Bill as a whole, and agrees with the preponderance of opinion which is in favour of accepting the Bill. The Government of Bengal states that the majority of those consulted are strongly opposed to the proposal. His Excellency

[Sir William Vincent.]

the Governor in Council has great sympathy with the object which the Rai Bahadur seeks to attain, but considers that until public opinion is better instructed, it would be premature to make this change in the law. Indeed, if penal legislation of this kind is enacted in advance of the social condition of the people, it often becomes a dead letter : as has been in fact our experience to a great extent in regard to the Age of Consent Act in 1891, over which there was such a turmoil and outcry. The Government of the United Provinces is in favour of increasing the age of consent to 14, and thinks that the proposal in the Bill could be safely adopted. The Government of the Punjab suggests that it is a matter for Indian public opinion, and that Government should remain neutral ; but in any case the Government should press for amendment in the direction of providing a much lesser punishment in the case of a husband found guilty of rape with his own wife.

The Governor of Burma supports the principle of the Bill but similarly suggests a lighter punishment in the case of marital relations. Now I come to my own province, the Province of Bihar and Orissa, the Local Government of which says that there is a pronounced volume of Indian opinion against the proposal. They refer to the present age limit as being based on the medically ascertainable fact of puberty ; I do not know how far that is correct and agree that this being so, the administration of the law rests on a basis which is susceptible of proof. Later the Government makes a more important statement in expressing the view that there would be a distinct risk of agitation and discontent if any attempt is made to provide by force for social reform of this kind in advance of the opinion of the uneducated masses of the country. The Central Provinces Government states that the opinion of all classes seems to be that any alteration in the age of consummation of marriage must be accomplished by education and moral teaching. The provisions of the law would certainly be evaded. The Government of Assam support the proposal and say that they hope the Government of India will not officially dissociate itself from it.

Now I think that these opinions ought to be very carefully considered by Members of this Assembly. I do not know what time they have had to do so, but I believe that some of them have been printed very recently and were only placed in the hands of Members a few days ago. We ourselves have had them a sufficient time to enable officers in the Secretariat to examine and abstract them for me. Generally, I may say that they indicate that in Bengal, Bihar and Orissa and the Central Provinces, the feeling is against this Bill. In other provinces I think it may be said that the feeling is in favour of it. In addition to these opinions, I have also of course received communications from Associations and private persons. There were several meetings apparently in Assam ; I mention them because the Government of Assam rather favour the Bill, while private opinion in that province does not, if we are to judge from these meetings, take quite the same view of the case. Then I have a letter from Hooghly, in which references are made to various provisions in the Shastras and the hope is expressed that the Members of this Assembly will pay every regard to them. I

am not myself much impressed with the argument that this Bill violates some great principle underlying the Hindu religion. I have heard that argument too often. It was raised in the case of *Sati*; it was raised in the case of the Caste Disabilities Act; it was raised in the case of the Marriage Act. In fact, it is used on every possible occasion, but the great Hindu religion survives all these attacks and continues to maintain its ancient strength. (Hear, hear.) We may fairly conclude that it must be based on some firmer, more solid, foundation than the writer of these letters seems to imagine. But we cannot overlook the fact that in 1891 when we did change the law, there was a very great and serious outcry. Well, a great deal of water has passed under the bridges since then; my friend Dr. Gour has much more chance at present with his Marriage Bill than he would have had then, and opinion on social questions is advancing. The only question for you to decide is whether it has sufficiently advanced for a Bill of the present character. But though the Government is not desirous of taking up an attitude of opposition on a measure of this kind, there are at the same time certain dangers which they cannot overlook. I refer in the first place to the question of increasing the age of consent in the case of marital relations. We feel that, on the opinions before us, the Government cannot support any Bill like the present one unless marital relations are excluded. I may say in support of this that, apart from the danger of interfering with Hindu custom whether based on a true interpretation of the scriptures or not, we think that any change of the law such as is proposed would be in fact ineffectual. I commend particularly to the attention of the Chamber a letter in the file from the District Magistrate of Dacca citing some doctor's opinion—I think a lady doctor—in which it is said that the provisions of the law at present are habitually violated: and that, in the case of married women, they are not known. If that is so, surely it is useless to multiply penal laws which will remain ineffective. Moreover, I know that in my own province of Bihar and Orissa, and I believe in Bengal too, it is the custom for marriage to be consummated as soon as a girl attains puberty. I am speaking subject to correction. I believe that to be the custom. (Voices: Yes, yes, it is.) Well, if that is so, if this is regarded by many people as a religious obligation and by others as desirable for reasons of a different character, the custom cannot be disregarded and is it right for this House to penalize such a practice if the penal enactment is far in advance of the feelings of the people? If, however, I thought, Sir, that it would be possible effectively to stop such intercourse between immature married people without causing any dangerous agitation even if it did cause some outcry, I should be prepared to support the Bill. But I do not think it would be effective, and at the same time I think we should have all the trouble and all the agitation which the enactment of such a measure must necessarily cause. And here I want to draw your attention for a minute to another point. It is true that this Bill is introduced by a non-official Member; but if it is enacted, and if there is an agitation, if there is discontent and an outcry against it, then it is always the Government which has to bear the brunt of it. The Government have, therefore, to be very careful in dealing with, and in their attitude towards, a Bill of this character. They do not wish to create

[Sir William Vincent.]

a false idea that they are opposed to social reform ; but on the other hand, they have to be very careful that they do not support the measure if it really is much in advance of public opinion. Now, if any Honourable Member or if this Assembly could stop child marriages, then some real reform might be effected in the direction which the Honourable Member proposed.

But child marriage, which really is the root cause of all the evils to which the speaker referred, can only be stopped by social reform and education and not by a penal enactment. Until you can stop child marriage, until people in this country realise that such marriages are undesirable, I think myself that any such measure as the Honourable Mover proposes is out of the question. I could not hear the Mover very clearly to-day, possibly other Members followed him more accurately. In any case he suggested on a previous occasion that his Bill assimilates the Indian law to the law in England. That is not correct. The position in England is, as far as I know, that an intercourse with a girl up to 13 years of age (*Voices* : "Sixteen")—will Honourable Members kindly wait till I finish—intercourse with a girl up to 13 years of age with or without her consent is rape and punishable, I think, with 5 years' or 10 years' imprisonment. But intercourse with a girl over 13 and under 16 years of age is a misdemeanour punishable with two years' rigorous imprisonment only whether she consents or does not consent. Now, what the Honourable Member proposes is to so amend the law as to admit of a punishment of 10 years rigorous imprisonment in the case of a girl over 12 up to 14, whether the intercourse is with or without her consent. The enactment he proposes is therefore very much more severe than anything that obtains in England. If it is accepted that girls mature in this country earlier than they do in Great Britain—and I think that is true in parts of the country—then it might be argued that a girl of 12 in India is as old as a girl of 13 at Home. That is the age for rape at present. The Honourable Member proposes that connection with a girl between 12 and 14 should be punishable under section 376, the penalty for which, I think, is 10 years' imprisonment. Now, the Government cannot possibly support a measure of that severity, and if this Bill does go to a Select Committee, it can only go on two distinct conditions, namely, that the section does not apply to marital relations and secondly that in the case of girls over 12 and under 14 the punishment should be materially reduced and placed on a somewhat similar level to that which obtains in England.

Mr. B. C. Allen (Assam : Nominated Official) : I should like to begin, Sir, by referring to two points which have fallen from the Honourable the Leader of the House. He has told us that several public meetings have been held in the small province of Assam to protest against this Bill. Of Assam proper I have exceptional experience, and I can assure him that those meetings represent the opinions of an infinitesimal minority. There are, I imagine, few places in India where late marriage is more common than amongst the common people of Assam. He has also referred to a letter from the District Magistrate of Dacca in which that officer stated that the present law was a dead letter. I have been a Magistrate of Dacca

also and it was my painful experience to have to deal with one of these cases myself. The condition of the poor girl was pitiable.

It seems to me, Sir, that the real and vital point in this case is its medical aspect, and this aspect has been very indifferently developed. I have read the opinions which have been laid before us. We have received the views of members of the Bar, of District Magistrates, of Chairmen of Municipalities, of all sorts and manners of people, but I can only find the opinion of one doctor. I should like to call the attention of the House to what that gentleman says. He is an Indian doctor who has migrated from Bombay to Burma and I am sure that the House will receive his opinion with great respect. It runs as follows :

“ I have confined girls at the age of 13 and 14, very few safely and others with a shudder. Dangers of premature sexual relations and the risk of parturition at a very early age are a fruitful source not only of permanent disabilities but of morality. Ignorance and the *Purda* system have brought the women of India to the level of animals. They are unable to look after themselves, nor have they any will of their own. They are slaves to their masculine owners.”

The House will understand that this is not an expression of my opinion. This is the opinion of an Indian doctor.

Seeing that the opinion of doctors was very inadequately represented before us, I took occasion to enter the temple of Aesculapius situated below this House and consult the priests there. I first called upon a friend and asked him: “ Is it not likely that the consummation of marriage with a girl of 12 is calculated to cause her much pain ? ” He replied : “ Of course, but what is even worse is that it is likely to have a most disastrous effect upon her children.” He then referred me to another occupant of that temple who dealt particularly with questions of this kind and he in due course sent me one of the latest books upon the subject. He pointed out to me that in England two-thirds of the infant mortality is due to traumatism received by the foetus during parturition and that the risk of such traumatism was enormously increased when the mother as in these cases is grossly immature. They also furnished me with the papers of the discussion which took place in 1891. If Honourable Members will refer to them, they will find, that Dr. Joubert, a well-known expert in Calcutta, stated that the pain caused to the child by consummation must be “ intense.” It was not only Dr. Joubert who was in favour of raising the age of consent; his opinion was shared by a number of other medical men, most of them Indian gentlemen. Let me read an extract from the opinion of Surgeon-Major Gupta, which runs as follows :

“ To fix legally 16 years as the minimum age below which sexual intercourse should be punishable would be physiologically proper and socially and morally beneficial to the people of these provinces. Such a legal limit of age would practically prevent all dangers of premature intercourse, and considerably reduce the more serious evils of early child-bearing. I have no doubt whatever that early child-bearing in this country causes more evils in the way of physical injuries, disease and death than premature sexual intercourse, though this latter class of evil is sufficiently grave to justify an interference to protect the girls.”

I call the attention of the House to the fact that even 30 years ago Indian medical men advocated raising the age of consent to 16 years. At that time a memorial was received from all the lady doctors in India. They wrote as follows :

“ The lamentable case of the child wife Phulmani Dassi, of Calcutta, which has excited the sympathy and the righteous indignation of the Indian public, is only

[Mr. B. C. Allen.]

one of cases that are continually happening, the final results being quite as horrible but sometimes less immediate. The following instances have come under the personal observation of one or another of Your Excellency's petitioners."

They then proceeded to give some details, so horrible that I really am not prepared to read them to the House, but I trust that I may be allowed to incorporate them in the proceedings.* I will merely refer to one case in which they say that the poor girl was "so completely ravished as to be almost beyond surgical repair."

Well, Sir, are the conditions of maternity and the circumstances in which children are brought into the world in India so satisfactory that it is right and reasonable for us to neglect any measure which will lead to their betterment?

I am sorry to have to trouble the House with a few statistics. But statistics with regard to mortality in child-birth are difficult to obtain, and I doubt whether Honourable Members are in possession of them. In England, for some years past the mortality has been at the rate of $4\frac{1}{2}$ per mille, that is to say, for every 2,000 children born, nine mothers die. Similar statistics are not procurable at all from many parts of India, but I have been supplied with some information from the source to which I referred before. In Bombay towns the statistics show not $4\frac{1}{2}$ per mille but 16 per mille. Shikarpur has a rate of 60 per mille, i.e., for every thousand babies born, 60 mothers die. Poona, 33 per mille, Bombay, 25 per mille. The United Provinces and Madras returns are much more favourable, but I fear that these returns are very incorrect. Does the House realise what these figures mean? It sounds a little thing to say that the mortality in child-birth in India is ten per mille higher than in England. What do these figures mean? They mean that in the course of one generation three million, two hundred thousand mothers die, who would not have died, if the conditions were as satisfactory here as they are in England. What does that mean? The word "million" does not convey much to the mind of anyone. But it means that this unnecessary loss of life is greater than the united death roll of Germany, France and Great Britain in the Great War! Is not that something to think of? Think of the cemeteries all over France. A lady once told me that the sight of some of them had so shocked her that she could not go near them. Think what sort of a cemetery those three million, two hundred thousand mothers would make. If you buried them side by side they would stretch the whole way from Calcutta to Bombay, on either side of the line packed as close as they could lie. Think of starting from Calcutta on a moonlight night and seeing this cemetery before going to bed; waking up in the morning and still seeing those tomb-stones; going to bed again and seeing them still gleaming white in the moonlight, and waking up the next morning and seeing them again. Is that not a thing which ought to arouse the sympathy of the House? And I venture to tell you that I am not over-stating but under-stating the case. My own conviction is that mortality in India is very much more than 10 per mille higher than in England. I submit that the situation is so serious that the House is not justified in abstaining from taking any measures possible to do away with this appalling suffering and this appalling mortality.

*Vide Appendix to these Debates.

A number of persons who have been consulted and some Governments which have replied, have said that this Bill is likely to give rise to agitation. No one dislikes agitation more than I do. I am sick of agitation. I have had far too much of it in my life. But when, Sir, it is a case of the lives of women and children, I can only say, in the words of the Duke of Wellington : " Agitate and be damned ! " (Hear, hear.)

Rao Bahadur C. S. Subrahmanayam (Madras ceded districts and Chittoor : Non-Muhammadian Rural) : Sir, I have felt as if I were in a Congress of Health and Hygiene. It is all very well to talk of mortality, infant mortality, but the question will always be whether infant mortality is due to this cause or to various other causes, such as malnutrition, insanitary surroundings and so many other causes. It is all very well by one stroke of the pen to attempt to create a healthy, stalwart nation. Is that possible ? I think a legislative body like this should not go upon only one point, or rather one standpoint that is put before them. As the Honourable Home Member said, to add to the criminal law of the country is a very serious matter. If that is so, then if you add this clause making intercourse between a husband and wife, the wife being under the age of 14, a criminal offence, what will be the result ? That is a point that ought to receive due attention from this House. It is all very well for Members of this House who live in the larger towns and are able to take care of themselves ; but look at the large number of people in the country ; look at the large differences in social habits and customs among the various communities in this country. There are in each province large communities, who are not advanced, to whom it is, if not a religious, a social obligation to send the girl to the husband's house, as soon as she shows signs of puberty. What about those communities ? If they put off sending the girl to the husband's house, they will incur the odium of their caste. Unless you are going to change, root and branch, the marriage laws of this country, it is no use picking out one thing here and another thing there, and then say : " I am a social reformer." While I recognise the sympathy which the European Members, official or non-official, show in the advancement of social conditions, I would ask them to put themselves in the position of those communities which are not actually represented here, and whose conditions of living they are not probably acquainted with, for when you introduce a penal clause like this, the consequences are very serious. We are frequently told on other occasions of the litigious spirit of the people. In a far-away village a girl of 14 or probably less is sent to her husband's house and the marriage is consummated. How when a prosecution is started will the people prove that the girl is more than 14 ? Look at the complications, the annoyance that would arise if once you started raising such questions. That is the thing that always comes before me, when legislation of this sort, involving the increase of penal laws, is introduced, the large number of people who would be affected by it. Take the case of an enthusiastic officer in a district. Probably he would think that a great deal of harm is done to the country by such customs as these, and a prosecution would be started under official auspices. It is not an unnatural assumption to make ; and therefore a law like this, affecting the marriage question, should not be permitted. If the question had been confined to the intercourse of an unmarried girl under the age of 14, and the age of consent had been raised, that would be a different matter. But I protest against the Bill, which was introduced

[Rao Bahadur C. S. Subrahmanayam.]

for one object and has now had its scope extended to another. I think the House ought, in justice to itself, and also as a matter of discipline, to protest against a Bill being brought before the House originally containing measures that do not meet with the wishes of the country, and containing crude, all-embracing measures, which are attempted to be dressed up later in a fashion which is agreeable to the House.

Therefore, on that ground also, I think this motion ought to be rejected.

Now, look at the number of Members of the Select Committee. It is only a simple clause. Why do you want a Select Committee? You have only to say "yes or no." Every one who is ambitious enough to bring a Bill into this House ought to be able to tell us that we should say "yes or no" on a definite issue and not complicate the issue and then lug in a large number of Members as Members of a Select Committee and, as I said, simply raise confusion and try to take advantage out of what remains of that confused mass. On that ground also I oppose this measure. I know that in every province the majority of the people would be against the Legislature interfering in such a matter.

One word more with regard to the attitude of the Government. Undoubtedly, without Government's support, this measure cannot be passed. At some stage or other Government has to give its support, and, therefore, it is up to Government to see that it does not lend its support to a measure against which there has been such substantial opposition from the Local Governments and the High Courts.

Well, Sir, it is easy to stand up before this Assembly and pose as the protagonists of social reform. (Interruption from several Members.) Well, I will not use the word "pose." But social reform in personal practice entails considerable disadvantages, considerable sacrifices, and, if there are men here who want to advance the cause of social reform, they can do it. We had a very interesting speech from an official. Well, it is open to every district officer in his tours to collect people together around him and to tell them of the disadvantages of early marriage, but to effect this by a stroke of the pen or by a few votes in an Assembly like this is a thing which I seriously deprecate.

Khan Bahadur Maulvi Amjad Ali (Ansam : Muhammadan): Sir, the object underlying this Bill is doubtless admirable and the speech delivered by my friend on my right in support of its acceptance by the House is also admirable. At the same time I cannot help offering my opposition to this Bill because the Honourable the Mover and my friend on my right have both lost sight of this fact, namely, that the main object of this Bill is to make intercourse with a girl under the age of 14 by her husband punishable as rape, a measure which is frightful in its nature so far as the Muhammadan and the Hindu laws of marriage are concerned. In India, Muhammadan marriage and Hindu marriage is based on the Muhammadan law and the Hindu law. According to the Muhammadan law a girl attains the age of puberty at 9, the minimum age being 9 years and the maximum age being 15 years. (Cries of "No, no.") Now, if on the completion of her 15th year, a Muhammadan girl is not found to

have attained the age of puberty or rather found not to have shown signs of puberty, the Muhammadan law will presume that she has attained the age of puberty. That is the Muhammadan law. (*Mr. Muhammad Yamin Khan* : "No such thing.") That is the Muhammadan law. (*Mr. Muhammad Yamin Khan* : "I doubt it.") I repeat again that this is the Muhammadan law. (Laughter.) On the completion of her 15th year, if a girl shows signs of puberty it is all right, but, even if she does not show any signs of puberty, the Muhammadan law will presume that she has attained the age of puberty, and she is at liberty at that age to offer herself in marriage without the consent of anybody. Under the Muhammadan law, when the female becomes at full liberty after attaining the age of puberty to give her own consent to marriage and the husband marries that woman, the law requires that, if she has attained the age of puberty, the marriage must be consummated. That is the law. (*Mr. Muhammad Yamin Khan* : "Where is that?") If a Muhammadan woman, being of the age of puberty, is married to a husband who is also a major and no consummation takes place, unless there be any insurmountable bar, namely, unless there be any disease or anything of that kind, according to the Muhammadan law, it is a sin. I think—I speak, of course, subject to correction—that is also the principle underlying Hindu marriage. Hindu girls are married before the age of puberty simply for the purpose of avoiding sin. The second marriage takes place when the girl attains puberty under the husband's roof. The Hindu worships second marriage. I know that in Bengal what is called second marriage takes place with a great amount of pomp and grandeur, and it is considered to be a virtue when a woman is found to have attained puberty under the roof of her husband's house. •

This being the standing law of both Hindu and Muhammadan, this Bill will, if accepted, be introducing a principle inconsistent with the two standing laws of the country, namely, the Hindu and Muhammadan law of marriage; unless and until the Hindu and Muhammadan law of marriage be repealed to that extent, I think that the passing of this Bill will be altogether wrong. The object of the Bill is no doubt laudable but Government should first say that there should be some legislation prohibiting the marriage of girls before the age of 20. But taking these two laws, the Hindu and Muhammadan into account, without repealing them, if such a law is accepted, it will be sending husbands to jail for 10 or 7 years. The law is that a husband having a wife of the age of 13 is to be prosecuted for rape, whether she gives her consent or not. I appeal to this House, that the gist of this law is that when a man marries a girl, whether Hindu or Muhammadan, below the age of 14, he gets one leg in jail, because he has to have intercourse with a woman, whether consent is given or not, who is below the age of 14. That is a serious law, and every husband will go to jail. (Laughter.) You know that at the age of 13 Indian girls generally attain the age of puberty, and their guardians, whether fathers or mothers, become very anxious to dispose of them as soon as possible. So that they might take care of themselves. Now here it is suggested that after the marriage when the grown up girl of 13 goes to her husband's house she has to wait and the husband has to wait till some time more. That is the law, the tremendous law proposed. My submission to this House is, that if the evil of early marriage is sought to be put an end to, the best thing would be for the Government

[Khan Bahadur Maulvi Amjad Ali.]

to legislate that no person, whether male or female, should be married before the age of 30 and 20 respectively. That would put an end to the whole thing. That is my submission to this House. The Muhammadan law will be respected, the Hindu law will be respected, and there will be no abuse in this country of early marriage. Of course, my Honourable friend on my right is right, when he said that girls become sick prematurely, they die prematurely, and the offsprings become worthless on account of early marriage. His argument is all right, but how can you prevent it, because there are these two standing laws of the country, Hindu law and Muhammadan law. So if we want to avoid this evil, we should ask the Government to legislate that no female should be married before 20 and no man should be married before 30. That is my submission, and it is on that ground that I oppose the Bill.

I have another reason for opposing the Bill, namely, that the Bill should be referred to a Select Committee consisting of some members. What is the good of sending this Bill to Select Committee? The matter is not a very complicated one. It is an easy matter and it can be solved at a moment's notice by this House. There is no need to send it to a Committee consisting of persons some of whom have no knowledge of the law at all but are complete laymen. If the matter is worth consideration at all and if it is going to be sent to a Committee for consideration, it ought to be to a legal body. The members must be lawyers. When it is proposed that the matter should be referred to a Select Committee, it should be the lookout of the Mover always to name persons who have some legal knowledge and not persons who have nothing to do with the law.

With these words, I oppose the motion.

Mr. B. W. Davies (Madras : Nominated Official) : Sir, I move that the question be put.

The Assembly then divided as follows :

AYES—37.

Abdul Quadir, Maulvi.
Abdul Rahim Khan, Mr.
Akram Hussain, Prince A. M. M.
Amjad Ali, Maulvi.
Asjad-ul-lah, Maulvi Miyan.
Bradley-Birt, Mr. F. B.
Bridge, Mr. G.
Burdon, Mr. E.
Chaudhuri, Mr. J.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.
Das Babu B. S.
Davies, Mr. R. W.
Faiyaz Khan, Mr. M.
Ginwala, Mr. P. P.
Hailey, the Honourable Sir Malcolm.
Hudson, Mr. W. F.
Hullah, Mr. J.

Ikramullah Khan, Raja M. M.
Innes, the Honourable Mr. C. A.
Kamat, Mr. B. S.
Manohandas Ramji, Mr.
Moir, Mr. T. E.
Muhammad Hussain, Mr. T.
Muhammad Ismail, Mr. S.
Nabi Hadi, Mr. S. M.
Nag, Mr. G. C.
Pyari Lal, Mr.
Ramayya Pantulu, Mr. J.
Reddi, Mr. M. K.
Samarth, Mr. N. M.
Sinha, Babu L. P.
Srinivasa Rao, Mr. P. V.
Subrahmanayam, Mr. C. S.
Subzposh, Mr. S. M. Z. A.
Tollinton, Mr. H. P.

Vishindas, Mr. H.

NOES—26.

Abul Kasem, Maulvi.
 Agarwala, Lala Girdharilal.
 Agnihotri, Mr. K. B. L.
 Allen, Mr. B. C.
 Barodawala, Mr. S. K.
 Barua, Mr. D. C.
 Chatterjee, Mr. A. C.
 Ghose, Mr. S. C.
 Gidney, Lieut.-Col. H. A. J.
 Gour, Dr. H. S.
 Hussanally, Mr. W. M.
 Lakshmi Narayan Lal, Mr.
 Man Singh, Bhai.

Visra, Mr. B. N.
 Mitter, Mr. K. N.
 Mukherjee, Mr. J. N.
 Mukherjee, Mr. T. P.
 Nand Lal, Dr.
 Neogy, Mr. K. C.
 Percival, Mr. P. E.
 Sarfaraz Hussain Khan, Mr.
 Shahani, Mr. S. C.
 Venkatsapatiraju, Mr. B.
 Way, Mr. T. A. H.
 Yamin Khan, Mr. M.
 Zahiruddin Ahmed, Mr.

The motion was adopted.

The Honourable Sir William Vincent : I only want to make one point clear because the Honourable Mover appears to be slow in moving, and that is, he has told me that he is perfectly willing to accept the two limitations which I suggested on this Bill. I think the Members of the House ought to know this, and as he did not get up I had to get up in his place.

Mr. President : The question is :

“ That the Bill further to amend the Indian Penal Code be referred to a Select Committee consisting of Sardar Bahadur Gajjan Singh, Mr. Shahani, Mr. Ginwala, Mr. Joshi, Mr. T. V. Seshagiri Ayyar, Mr. M. K. Reddi, Dr. H. S. Gour, Rai Debi Charan Barua Bahadur, Mr. Girdhari Lal Agarwala, Mr. K. G. Bagde, Sardar Gulab Singh, Raja Ikramullah Khan, Mr. W. M. Hussanally, Col. Gidney, Mr. Harchandrai Vishindas and Rai Bahadur Bakhshi Sohan Lal.”

The Assembly then divided as follows :

AYES—29.

Abdul Rahim Khan, Mr.
 Agarwala, Lala Girdharilal.
 Allen, Mr. B. C.
 Barua, Mr. D. C.
 Bradley-Tirt, Mr. F. B.
 Bridge, Mr. G.
 Chatterjee, Mr. A. C.
 Chaudhuri, Mr. J.
 Cotelingam, Mr. J. P.
 Gidney, Lieutenant-Colonel H. A. J.
 Ginwala, Mr. P. P.
 Gour, Dr. H. S.
 Hullah, Mr. J.
 Hussanally, Mr. W. M.

Ikramullah Khan, Raja M. M.
 Innes, the Honourable Mr. C. A.
 Van Singh, Bhai.
 Mukherjee, Mr. T. P.
 Nag, Mr. G. C.
 Nand Lal, Dr.
 Percival, Mr. P. E.
 Sapro, the Honourable Dr. T. B.
 Shahani, Mr. S. C.
 Singh, Mr. S. N.
 Sinha, Babu L. P.
 Sohan Lal, Bakhshi.
 Venkatsapatiraju, Mr. B.
 Way, Mr. T. A. H.

Yamin Khan, Mr. M.

NOES—11.

Abdul Rahman, Munshi.
 Abul Kasem, Maulvi.
 Agnihotri, Mr. K. B. L.
 Akram Hussain, Prince A. M. M.
 Amjad Ali Maulvi.
 Asjad-ullah, Maulvi Miyan.
 Barodawala, Mr. S. K.
 Das, Babu B. S.
 Davies, Mr. R. W.
 Faiyaz Khan, Mr. M.

Ghose, Mr. S. C.
 Hajeebhoy, Mr. Mahomed.
 Hudson, Mr. W. F.
 Jatar, Mr. B. H. R.
 Kamat, Mr. B. S.
 Lakshmi Narayan Lal, Mr.
 Manmohandas Ramji, Mr.
 Misra, Mr. B. N.
 Misra, Mr. P. L.
 Mitter, Mr. K. N.

NOES—41—concl'd.

Moir, Mr. T. E.
 Muhammad Hussain, Mr. T.
 Muhammad Ismail Mr. S.
 Mukherjee, Mr. J. N.
 Nabi Hadi, Mr. S. M.
 Neogy, Mr. K. C.
 Pyari Lal, Mr.
 Ramayya Pantulu, Mr. J.
 Reddi, Mr. M. K.
 Samartha, Mr. N. M.

Sarfaraz Hussain Khan, Mr.
 Sarvadhikary, Sir Deva Prasad.
 Shabbab-ud-Din, Chaudhri.
 Sinha, Babu Ambika Prasad.
 Srinivasa Rao, Mr. P. V.
 Subrahmanayam, Mr. C. S.
 Subzposh, Mr. S. M. Z. A.
 Tollinton, Mr. H. P.
 Vishindas, Mr. H.
 Waghorn, Colonel W. D.

Zahiruddin Ahmed, Mr.

The motion was negatived.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, a Message has been received from the Secretary of the Council of State as follows :

" I am directed to inform you that the Message from the Legislative Assembly to the Council of State, desiring its concurrence in a motion to the effect that the Bill to provide for the restriction and control of the transport of cotton in certain circumstances, be referred to a Joint Committee of the Council of State and the Legislative Assembly, and that the Joint Committee do consist of 10 Members, was considered by the Council of State at its meeting to-day, and that the motion was concurred in by the Council of State."

2. *The following Members of that body were nominated to serve on the Joint Committee, namely :*

*The Honourable Sir Maneckji Dadabhoy,
 The Honourable Mr. Lalubhai Samaldas,
 The Honourable Saiyid Raza Ali,
 The Honourable Sardar Jogendra Singh, and
 The Honourable Mr. Lindsay."*

THE COTTON TRANSPORT BILL.

The Honourable Mr. O. A. Innes : (Commerce and Industries Member) : With your permission, Sir, I beg to move :

" That the following five Members of the Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to provide for the restriction and control of the transport of cotton in certain circumstances :

*Mr. N. B. Saklatvala,
 Mr. B. S. Kamat,
 Raja Suraj Baksh Singh,
 Mr. K. C. Neogy, and
 Myself."*

The motion was adopted.

Mr. President : In view of the appeal made by the Honourable the Home Member I propose to adjourn for an hour and a half in order to provide for time for an informal Conference.

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

The Assembly re-assembled after Lunch at Quarter Past Three of the Clock. Mr. President was in the Chair.

THE INDIAN PENAL CODE (AMENDMENT) BILL.
[AMENDMENT OF SECTIONS 362 AND 366.]

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions : Non-Muhammadan) : I beg to move :

“ That the Select Committee on the Bill to amend sections 362 and 366 of the Indian Penal Code do consist of the following Members :

Dr. Nand Lal,
Mr. J. N. Mukherjee,
Mr. Srinivasa Rao,
Mr. Barodawala,
Mr. Yamin Khan,
Mr. N. M. Samarth,
Mr. Braja Sunder Das,
Mr. D. C. Barua,
Myself, the Law Member, and
The Home Member.”

The Home Member has seen this list and has given his approval.

Mr. President : The question is :

“ That the Select Committee on the Bill to amend sections 362 and 366 of the Indian Penal Code do consist of the following Members :

Dr. Nand Lal.
Mr. J. N. Mukherjee.
Mr. Srinivasa Rao.
Mr. Barodawala.
Mr. Yamin Khan.
Mr. N. M. Samarth.
Mr. Braja Sunder Das.
Mr. D. C. Barua.
Mr. Agnihotri,
The Honourable the Law Member, and
The Home Member.”

The motion was adopted.

(Mr. President called out the name of Mr. K. C. Neogy, but he was not in the Chamber.)

DEMANDS FOR SUPPLEMENTARY GRANTS—*contd.*

Mr. President : The Assembly will now resume debate on the Resolution moved by the Honourable Sir Malcolm Hailey :

“ That for the amounts against each head of demand shown in column 3 of the Statement entitled ‘ Statement comparing the total voted and non-voted expenditure included in each grant under ‘ Expenditure from revenue ’ for 1922-23 with the revised estimates of expenditure for that year ’ be substituted the amounts shown in column 6 of the same statement, the savings indicated in column 9 being transferred to meet excess expenditure shown in the same column, and that a supplementary grant of Rs. 18,09,000 be voted by the Assembly to cover the total excess in voted expenditure under ‘ Expenditure from revenue ’.”

Dr. H. S. Gour (Nagpur Division : Non-Muhammadan) : Sir, I move :

“ That the revised estimate under the head ‘ Customs ’ be reduced by Rs. 1,000.”

and my reason for doing so is as follows. Honourable Members will see that the net grant voted by the Legislative Assembly under this head was Rs. 60,49,000. The revised estimates have come up to Rs. 64,53,000, that is about 4 lakhs in excess of the amount we voted at the last Session in Delhi. If I understand aright it is by this figure that we cut down the demand under this head. It then comes to this, that the Honourable the Finance Member wants this House to restore the demand which he then made and which this Assembly cut down. The reasons are given in the remarks column, and the Honourable the Finance Member in his opening speech the other day stated that additional staff was required to prevent smuggling. That may be perfectly true and so far as the staff is required for preventing smuggling we have no objection, but what this House wants to know is this. What efforts have been made to give effect to the deliberate decision of this House which asked you to cut down and revise the expenditure under this head. If Honourable Members will turn to the main Budget they will find the accounts for 1920-21 approximated Rs. 30,97,000 and odd and the budget estimate for 1922-23 was Rs. 45,41,84,000. The expenditure in 1920-21 under the head ‘ Customs ’ was Rs. 59,53,104 and the budget estimate for 1921-22 was Rs. 68,15,000. Now, our submission is that this increase of expenditure during the last two or three years has been out of all proportion to the revenue which we receive from Customs and my second point and the main point is that we want to know how far the Government of India have carried out the mandate of the Legislative Assembly for a general reduction of expenditure. In this connection, Sir, I would hark back to what was the Assembly's wish, because in doing so my remarks may be treated as prefatory to all I have to say on my subsequent motions tabled to-day. The Legislative Assembly during the Delhi Session made formal cuts aggregating a sum of 9½ crores of rupees.

Mr. J. Chaudhuri (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : 95 lakhs. The Honourable Member is mixing up crores with lakhs.

Dr. H. S. Gour : I am doing nothing of the kind. It is in view of these ignorant interruptions that I have re-examined the whole situation. I have also asked privately the Honourable the Finance Member, and I feel fortified in re-stating what I did on Saturday, and I hope the Honourable Members will now revise their own figures, should they ever believe that the cuts only amounted to 95 lakhs of rupees. (Laughter.) I repeat the statement, namely, that at the Delhi session the Legislative Assembly deducted out of the total budget Rs. 9½ crores in taxation and revenue and indicated in unmistakable terms that though they had no power over the non-votable and military expenditure, still, by cutting what they were entitled to cut, they wanted to indicate to the Finance Member the inclination of the Assembly,—mind,—that the retrenchment must begin in all Departments, whether votable or non-votable. That was the clear indication given by the Legislative

Assembly. Now I should like, Sir, at this stage to know to what extent the wishes of the Assembly have been carried out by the Department concerned ; in other words, how much of the Rs. 9½ crores which we cut during the Delhi Session has been found from the retrenchment of expenditure ; and we should like to know what is the total amount of retrenchment effected under the heads, votable, non-votable, civil and military. This is, I think, a convenient time to examine the whole situation, and it is with that object in view that I stated the other day that the Honourable the Finance Member would be well-advised to inform this House as to the extent to which he has met the wishes of this Assembly. I find, Sir, in the note on the Supplementary Budget the statement made, which has no doubt been read by the Honourable Members present here, namely, that in the last Budget Session the Legislative Assembly reduced the demands for grants by a total amount of Rs. 95,72,000. Suggestions were at the same time made that the object of the Assembly could be met if while the actual reductions made were departed from, a reduction of Rs. 95,72,000 spread over the civil expenditure grant was brought into effect. I beg to submit that that certainly was not my intention, and that certainly was not the intention of the Honourable Members present here. We wanted to point out to the House, and we wanted to point out to the Government, that we were out for a drastic reduction of the national expenditure, and that the fact that we had cut here and there was merely indicative of our grave displeasure that the Government was expending more money than it was able to raise from taxation, and we therefore did not indicate then, nor do we indicate now, that the expenditure that we had cut during the Delhi Session was to come out of that particular head from which it was deducted. We indicated then and we indicate now that what we are aiming at is not the different items in the Central Budget but the aggregate. We say that you must balance your Budget : and, for the purpose of balancing your Budget, cut down your expenditure to the very minimum. That of course raises large questions. I adumbrated very briefly at the last sitting of the House as to what those questions are, and I hope the Honourable the Finance Member has taken due note of them. I do not wish to repeat what I said then, but I wish to point out once more that in this matter the Government must be the sole judge of what is necessary for expenditure on military and civil in this country, and that we shall not permit ourselves to be dictated to from outside, however eminent and qualified may be the outsiders. We desire that when we give a mandate to the Government of India and the Government of India agree with us, the policy which we have laid down and which is acceded to shall be carried out. That, I think, is very plain, and I hope the Honourable the Finance Member will realize that in accepting this policy he accepts the acknowledged policy to which the Government stands committed and pledged.

Sir, so far as the Customs revenue is concerned, I do not wish to starve the Customs Department, because that is a revenue-yielding one ; I only want information ; and if the Honourable the Finance Member satisfies this House that the expenditure is well incurred, and that there is no possibility of retrenchment, I shall be very happy to withdraw my motion.

The Honourable Sir Malcolm Hailey (Finance Member) : Sir, Dr. H. S. Gour has raised a general question which it is perhaps well that I should answer at once. I am unwilling that he should remain under an apprehension that I really agreed with him that the Assembly had cut Rs. 9½ crores in the course of the Budget debates of last March. It is true that he approached me on the subject,—and I now at all events understand the reason of his statement that in March last, the Assembly had cut Rs. 9½ crores. I confess that at the time he made it I thought it was an error on his part in speaking of Rs. 9½ crores instead of Rs. 95,72,000 ; but I find it is not so. In order to explain the position, I will remind the House of the exact results of our Budget debates of last March. We proposed an expenditure of Rs. 142½ crores, against which we found ourselves able to budget for an income of only Rs. 110½ crores, leaving a deficit of Rs. 31½ crores. We proposed a taxation of Rs. 29 crores. The result would have been that we should still have been faced with an uncovered deficit of Rs. 2½ crores. Now what happened ? Our proposals for taxation were, it is true, reduced by some Rs. 9½ crores, and that was the figure which I think Dr. Gour had in his mind. That would have left our deficit at Rs. 12½ crores. Subsequently, however, we accepted a proposal in regard to the utilization of the income derived from the Paper Currency investments and thus improved our position by Rs. 3 crores. Our uncovered deficit therefore may be taken at the time at 9½ crores. Now, Sir, it is not in my mind, in any way accurate to say that, because our sources of taxation were reduced by 9½ crores, therefore the Assembly made a cut in expenditure of 9½ crores. The reduction of sources of taxation is not equivalent to a refusal of a demand for grants ; indeed, the action of the House amounted in effect to placing the Government in the embarrassing position of finding money to meet certain demands for grants without providing it with the resources from which to do so. It is true that many Members at the time, in arguing the case for refusing the taxation which we had placed before the House, indicated that they thought that we should reduce our total expenditure on unvoted heads by 9½ crores and thereby balance our budget. That however Sir, is a very different thing indeed from taking the responsibility, as the House took responsibility, of passing certain demands for grants and then throwing on us the responsibility either reducing unvoted heads or of finding the funds to meet those charges. What Dr. Gour and the friends for whom he is now speaking did, was actually to pass a certain amount of expenditure, but at the same time to say to Government : “ yours is the responsibility : you must make equivalent cuts elsewhere ; whether you find yourself in a position to make these cuts or not, we will not provide you with the funds to meet even the expenditure which we have ourselves voted.” Well, he asks me how far we have attempted to comply with the intention which he says was at the bottom of the action taken by the House. How far we have succeeded in complying with the intention of the House as regards ordinary civil heads of expenditure is now clear from the supplementary budget. We accepted and gave effect in full to the reductions made by the Assembly in those ordinary civil heads ; indeed, we went further and made certain additional reductions in those heads. Of course my Honourable friend will say that that after all is but a small matter. “ Your ordinary civil expenditure is now but a comparatively unimportant part of the budget ; what have you done in regard to the great bulk of

your demands, namely, your military expenditure ?" On a previous occasion, Sir, you ruled that discussion on this question was out of order. I have no desire to disobey your ruling in any way ; but it might be perhaps convenient if I were, with your permission, to state to the House purely as a matter of information how the case stands in regard to military expenditure. As the House knows, when we discussed at Delhi the figure of 62,18 lakhs of military expenditure, excluding of course exchange, the ground on which we took our stand in spite of attacks made on the volume of that expenditure was simply this, that we could not materially reduce the bulk of expenditure without reducing the strength of combatant troops. Dr. Gour has suggested that in this matter we have been overruled from outside, and has expressed resentment of what he describes as outside interference. I should not have referred to this point, if the matter had not been placed before the House by him. I have not yet myself seen, indeed I do not know if the Government of India have seen, what has been described in certain newspapers as the decision of the Cabinet on this subject. I am not therefore in a position to say anything on that point. I can only say that at present we have to provide funds for the full number of combatant troops for which expenditure was provided in our original budget. I would ask the House not to accept the assumption placed before it by Dr. Gour, namely, that we, in spite of our desire for reduction, in spite of the desire for reduction expressed by the Assembly, have been overruled by an authority which for this purpose he has described as 'outside.' In a matter of this kind there are grave and important considerations involved ; the House should not jump hastily to conclusions nor allow such conclusions to influence a discussion relating purely to certain detailed heads of civil expenditure such as those which are now before us. But a secondary matter also arose when we discussed the last Budget : certain Members of the House placed before us suggestions for reductions which were not connected with the number of combatant troops. It must not be supposed that in the interval we have been idle on this subject which had been prominent also in our own minds. For instance, the strength of Army Headquarters was commented upon by many Members of this House. There has already been a reduction made there. The numbers which stood last year at 175 now stand at 157. Government further appointed an important and influential Committee presided over by my Honourable friend Mr. Innes, which during the course of the summer went thoroughly into the whole subject and has made suggestions for additional reductions. Then again, suggestions were made regarding savings that might be made in the administration of what I may describe generally as the supply branches. Here we have done our best by appointing a second Committee consisting not only of the best military material that we could find, but also of outside business men, to go thoroughly into that question with a view to making what economies are possible. In many other directions which I need not specify now, we have exercised our control in the way of economy. But as to the total result, it would be useless on my part to attempt to give the House any information to-day. It is early in the year ; we cannot say yet either what savings can be effected, for instance by the fall in the price of foodstuffs. We cannot say what savings may be realized owing to the fact that drafts expected from England have not reached us ; we cannot say with any definiteness what the operations in Waziristan are likely to

[Sir Malcolm Hailey.]

cost us ; nor can we say on the other hand at the present stage what will be the additional expenditure from our revenues owing to the measure to which much reference has been made in the press lately,—namely, the reduction in the number of surplus officers. As the House is no doubt aware, we are reducing our surplus officers in the Indian Army by something like 1,650. That process is still going on, and until it is completed we cannot say exactly what the compensation necessary to these officers will cost the country. All I can say now is this, that heavy as the cost of that compensation may be, yet the eventual saving to Indian revenues will be of the highest importance. That, Sir, is the only answer which I am able to give to Dr. Gour on the general question which he has raised to-day.

Now, let me turn for one moment to the question of Customs. He made a suggestion that the proportionate growth in the Customs expenditure, the expenditure which is necessary for us to earn our Customs revenue, had exceeded the growth from the Customs themselves. The figures of Customs returns will be found on page 294 attached to the detailed estimates of the original Demand for Grants. It will be seen that in 1918-19, the net revenue was a little less than 17½ crores. The net revenue of 1919-20 was a little less than 21½ crores, and in the following year, it was approximately 31 crores. In 1921-22, the revenue was 34½ crores. We budgetted in the present year for 45½ crores. If we realise that sum, or realise even a greater portion of it, the House will, I think, be satisfied that there has been a growth in revenue which amply justifies some considerable increase in establishment, particularly when it is recognised that the great bulk of that increase does not by any means represent an increase in the number of the establishment employed but it is largely due to the enhanced rates of pay which we, in common with the Provincial Governments and commercial bodies, have to pay to our establishments. We have been told, and no doubt my Honourable friend, Mr. Innes, will deal with this portion of the argument in greater length, that we have done nothing, or done little to attempt to realise the particular cut in Customs expenditure which was made by the Assembly last March. I will give the precise figures to the House, because they are illuminating. The figure proposed originally to the Assembly was 64 lakhs and two thousand rupees. The figure voted by the Assembly was 60 lakhs and 49 thousand rupees. Therefore the cut actually amounted to Rs. 3,53,000 and not to the sum of over 4 lakhs which was suggested by Dr. Gour. The only part of the Rs. 3,35,000 which the department was unable to realise may be represented by the sum of Rs. 65,633. Therefore on this important revenue raising head, in a department, which is responsible for bringing to the Central Revenues something like 45½ crores, the Assembly asked for a cut of Rs. 3,35,000, and we were able to realise the whole of that with the exception of Rs. 65,000. I do not know that we should be justified in taking great credit for this, for it is a case where economy may be dangerous ; but we certainly can claim that we have done our very best to effect economy.

Mr. President : Reduction moved :

“ That the revised estimate under the head ‘ Customs ’ be reduced by Rs. 1,000.”

Dr. H. S. Gour : I beg leave to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. S. C. Shahani (Sind Jagirdars and Zamindars : Landholders):
Sir, I beg to move :

“ That the excess amount of Rs. 2,11,000 under the head ‘ Customs ’ be reduced by Rs. 1,000.”

The Honourable Sir Malcolm Hailey : May I be allowed to interrupt the Honourable Member purely in order to get the motion in a form in which it could be accepted or rejected ?

Mr. President : The Honourable Member is moving the wrong motion. That has just been moved and withdrawn. The next item is that the amount under the head “ Taxes on Income ” be increased by Rs. 1,000.

The Honourable Sir Malcolm Hailey : My point to you was, Sir, that it would be more correct if the Honourable Member were to move, as I gather is his intention, that the sum proposed to be voted in column 6, which is of course the sum within control of the Assembly, should be reduced by Rs. 1,000. Whether, that would be in order, in view of the vote just taken on the subject of Dr. Gour’s amendment, whether that would be in order or not is a point, of course, for you to decide, Sir.

Mr. President : A motion that has been moved and then withdrawn by leave of the Assembly cannot be repeated. I call on the Honourable Member from Sind to move No. 3 on the List in regard to Taxes on Income.

Mr. S. C. Shahani : I would like to understand what the position is, and I therefore request that it may be explained as to why I am not allowed to move my amendment. I have got to say something other than what has been said with regard to the department of Customs.

Mr. President : The Honourable Member never even rose after Dr. Gour. I watched his seat and he never made any sign of getting up.

Mr. S. C. Shahani : I was waiting for my name to be called out, before I could get up.

Mr. President : The Honourable Member must know perfectly well that he cannot repeat the same motion. It must necessarily come under the motion moved by Dr. Gour.

Mr. S. C. Shahani : Am I, or am I not allowed to move the motion ?

Mr. President : The Honourable Member is out of order in trying to move the motion. The motion has been moved, discussed and withdrawn and it cannot be moved again.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move an amendment to reduce the demand under Customs by a total amount of Rs. 1,02,000, consisting of Rs. 32,000 Karachi local allowances and Rs. 70,000 for motor launches, for Karachi and Calcutta. I may frankly admit my ignorance of the needs for which these demands are made. Had the Honourable the Finance Member been kind enough to put before us some details to enlighten us as to the necessity for these demands, we might have been in a position to know better

[Mr. K. B. L. Agnihotri.]

and there would probably have been no necessity for us to move for reduction. But, as it is, I for one have no other alternative but to move the amendment of which I gave notice.

As regards the local allowances, Sir, I find that the civilian employees in the British Station Hospital at Karachi and probably in some other departments also are not given the local allowance. I do not then understand the reason why local allowance should be given in the case of Customs officers. So far as my information goes, the local allowance is not given to any civilian employees working in military departments at Karachi, but I am of course open to correction on this point by the Army Secretary. So when a local allowance is not given to other officers in the departments under the Government of India, there seems to be no reason for giving such allowance to the Customs officers only.

As to the provision for two launches for Karachi and one for Calcutta, I beg to say that no reasons are given to show the necessity for these launches, and I think that it can be held over till the next Budget time in March. There is no hurry or emergency to allot Rs. 70,000, especially at a period of large deficit. The Honourable the Finance Member explained the other day while introducing the supplementary grants that he had made a saving of about 14 lakhs over and above. The amount by which the demands for grants were reduced by us at the last Budget, and in his opinion there should be no objection for us to sanction him the demands which he has put before us. But my reply to this would be, Sir, is it reasonable that because we make a saving, we should spend it? The saving, if kept, will ultimately lead to reduction of taxation imposed on the country. Should we receive with one hand and spend the money with the other? If we do so, then we can not hope to relieve the country of its heavy burden. I therefore move that the total demand for Customs be reduced by Rs. 1,02,000.

The Honourable Mr. C. A. Innes (Commerce and Industries Member): Sir, I think Mr. Agnihotri has forgotten that this House appointed a Standing Finance Committee. The Standing Finance Committee exists for the very purpose of examining any proposals for expenditure put forward by a Department, and this Standing Finance Committee has examined each and every proposal for new expenditure which the Commerce Department has put forward in respect of Customs; and I think that Mr. Agnihotri might take it for granted that this Standing Finance Committee, which is composed of several distinguished Members of this House, does its duties carefully and conscientiously, and it does not pass any expenditure of the necessity of which it is not fully satisfied.

However, Sir, I have no difficulty in explaining to Mr. Agnihotri, and the House, the exact proposals to which he has taken exception. The payment of rupees thirty-two thousand on account of local allowances to the clerical staff of the Karachi Customs House is the first point to which Mr. Agnihotri has taken exception. The fact is that the Bombay Government, as it is empowered to do under the Fundamental Rules, sanctioned, in July 1922, the grant of local allowances to certain of the non-gazetted establishment of the superior service in Karachi, owing to the

relatively higher cost of living there than in the mofussil. Now, the Customs House is under the administrative control of the Government of Bombay, and the local allowances sanctioned by the Government of Bombay to the ministerial staff necessarily have to be applied also to the ministerial staff of the Karachi Customs. That is the answer to the first question.

Then Mr. Agnihotri took exception to the demands we have put up for motor launches for Karachi and Calcutta, seventy thousand rupees. Now, in this matter I want first to make a remark of general application. In the last two years we have screwed up our Customs revenue to a very great extent. Our general *ad valorem* rate is now 15 per cent. and we have many special duties, even in excess of that rate. I think the House will realise that when our rates for import duties are as high as that, the temptation to smuggling becomes very much stronger, and I daresay the House has noticed very frequently in the public press accounts of brushes between our Preventive Officers and smugglers in different parts of the country. That is why we dare not, in the interests of the revenue which the Customs Department is trying to collect for India, refuse our Customs Officers the equipment and appliances which they are satisfied are necessary to properly safeguard the revenues of the port.

I should like this House to realise that this year the Customs Department hopes to collect a total revenue of very nearly 48 crores inclusive of the import duty on salt, and we hope to collect that revenue at a cost to the country of exactly 1.4 per cent. on the revenue. We have already had instances in other parts of the country of the dangers of loss of revenue, to which our high duties now give rise, especially in Pondicherry. We have had to put up a demand there for an increased customs cordon round Pondicherry, because we find that we are losing revenue almost daily there. These motor launches are required for an efficient water patrol at Karachi to prevent smuggling of arms and dutiable goods. They are also required at Calcutta in order to prevent the same thing, namely, smuggling arms and dutiable goods. Both Local Governments and both our Collectors of Customs have told us that this expenditure cannot be avoided if we are to safeguard our revenue.

In the light of this explanation I hope that Mr. Agnihotri will withdraw his motion.

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Urban) : The Honourable Mr. Innes raises some fundamental questions which I think will require examination. I do not think Mr. Agnihotri could have forgotten that the Standing Finance Committee was appointed. Even if there was such a lapse of memory on his part, the headline in this column would have reminded him. The question is whether by appointing a Standing Finance Committee this Assembly parts with all its rights and privileges concerning final determination on questions that are brought up before us in the way of supplementary demands. (*A Voice* : "Certainly not.") I have had an answer from this part of the House and I am sure the answer in the other part of the House cannot be different. I may remind the Honourable Mr. Innes that the proceedings of the Finance Committee are not yet available to

[Sir Deva Prasad Sarvadhikary.]

Members of the Assembly, and I think that when a question like this arises, it is up to the Department concerned to furnish the Assembly as succinctly as possible with the necessary information to enable them to say that the Finance Committee has done the right thing. I don't doubt that it has done otherwise. I don't question that the men constituting the Committee are men of distinction and they are our nominees. But that is no reason why information should not be given to the Assembly as succinctly as possible, in the absence of the published proceedings of the Committee.

In the second place, Sir, in framing a supplementary budget, will not this be the objective always before the Department, that expenditure that could possibly have been anticipated ought to have come into the parent budget. Is what we are now considering the class of expenditure that can be said to come strictly under the title of supplementary budget? "Insufficient provision" in budget time "for pay, leave, acting allowances, etc." rupees one lakh and nine thousand is one of the items. Why was that insufficient; why was not the likelihood of insufficiency anticipated before. Take again the question of local allowances under the Fundamental Rules, the character of which I am afraid many do not understand. Why the Government of Bombay or any other Government should wait till the time arrives for revising the whole situation under great stress and have these things brought up in the middle of the year, is more than one can understand. The same observations would apply to the question of the two launches. They may be wanted and badly wanted; but they cannot have been a matter of very sudden discovery. As one goes down the list one finds, for example, items 51 and 52, which ought to have been anticipated. In one case in item 57, the offending Provincial Government has been deliberately made nameless.

A supplementary budget is an emergency budget that arises out of unavoidable things that could not have been foreseen. I do not think that the Assembly can be expected to pass these items in a lump because the Standing Finance Committee has gone through them, or because some Department in the middle of the year thought they wanted something which they had not thought of before. It is very difficult, when supplementary requirements are vouched for in the way that has been done, for the House to reject them. At the same time the Departments ought to make up their mind that these are matters that ought to be dealt with at the proper time. When we suggested the cuts that have now partially achieved, the official idea was that the Empire would be coming to an end if this 5 per cent. cut was to take place. That has not been so. I see they could achieve this and I am sure they could achieve much more than that if they wanted. Apart from the Gilbertian character that the Honourable the Finance Member wanted to assume, he may also claim the character of the stage magician who "wins with one hand and spends with the other," and he spends a little more in the bargain. That is not the sort of thing the Assembly had quite bargained for, when it insisted on savings. The Honourable the Finance Member has rather rewarded himself for his achievements in a way which I do not

think will be fully appreciated. When savings are made, one naturally wants to benefit by them. Of course we shall be told that it is benefiting us in one way, because we should have had to find all the money for supplementary requirements if the savings had not been effected. But one does want to realise that savings that have been effected for which the Department deserve all thanks ought to be reflected in the total savings of the year.

Mr. S. C. Shahani : Sir, I beg to refer to item 4 in column 10. It is there stated : " Insufficient provision in Budget for pay, leave and acting allowances in Madras, Bombay and Calcutta Custom houses " involves an expenditure of Rs. 1,09,580. In connection with this item, I beg to inquire if the Customs service has been further Indianised. I also beg to inquire of those who keep the financial conscience of India whether or not it is desirable to have paid probationers in the Customs Department. I pointed out during the last budget debate that qualified hands could be had at any time and that there was no necessity to have a system of paid probationers. I also pointed out during the last budget debate that the Commissioner of Customs in the Bombay Presidency was unique and that this kind of appointment was not to be found in any other part of India. If I am right in this, I would request the Member for Commerce and Industry, as also the Finance Member kindly to consider this point. With regard to item 5, namely, " Local allowances to Staff of Karachi Custom house recently sanctioned by the Bombay Government ", I understood the Member for Commerce and Industry to mean that this local allowance was intended for the superior officers in the Customs Department in Karachi.

The Honourable Mr. C. A. Innes : For superior non-gazetted officers.

Mr. S. C. Shahani : That is to say, the supervisory staff of the Customs Department.

The Honourable Mr. C. A. Innes : For non-gazetted officers.

Mr. S. C. Shahani : I would request the Member to consider the claims of the supervisory staff too, and of the clerks and other subordinates. It is very desirable that our scales of pay should be harmonised. Our staff should be hopeful and contented, and, so far as I know of this Department, I feel that, while liberal pays and allowances are being given to the superior officers, the inferior officers remain disappointed.

With regard to item 8, " New appointment of Assistant Inspector for the Cotton Excise Department at Ahmedabad," I have no doubt that this is in accordance with the Resolution that was passed in the Assembly last Session. I have on that account no objection to raise in regard to it. I have merely to express regret that this new appointment has become necessary. As I have been saying, on several occasions, cotton excise is peculiar to India alone. I remember an interruption in my speech on this point in the budget debate from a Member who said that Japan had a cotton excise duty. Well, if Japan has it; it is only for revenue purposes and, as soon as a local manufacture in Japan is exported from Japan, not only is the Cotton Excise Duty refunded but freight is paid up to destination.

[Mr. S. C. Shahani.]

I have also in this connection to refer to what I have been saying in regard to the maximum salaries allowed to the superior officers in the Customs Department. I know that this is a very paying Department. I do not wish that it should be in any way undermanned: We should have enough staff, but not excessive nor excessively paid. I however find that the maximum pay that is allowed in the case of Collectors is Rs. 2,750.

The Honourable Mr. C. A. Innes : May I rise to a point of order? Might I ask whether this question raised by Mr. Shahani is relevant to the exact motion under discussion, namely, Mr. Agnihotri's motion that the demand should be reduced in respect of certain specified items.

Mr. President : What was the Honourable Member precisely discussing?

Mr. S. C. Shahani : I proposed in the last budget debate that the scale of salaries of the superior staff should be revised, and I submitted to the House that the maximum salary paid to qualified officers like the Executive Engineer and the District Superintendent of Police was only Rs. 1,625 per month.

Mr. President : The question of pay does not arise here. This is a question of Karachi allowances and of motor launches.

Mr. S. C. Shahani : If the question of pay does not arise, I merely make a general statement that the extravagances that have been pointed out by me and others in this particular might very kindly be pondered over by the authorities, and that, if the authorities should not agree with those who have pointed out the extravagances, they might consult the Retrenchment Committee after it has become more representative and more authoritative, that is to say, after this House is represented on the Committee.

Mr. President : The question is :

“That the demand under ‘Customs’ be reduced by a total amount of Rs. 1,02,000.”

The motion was negatived.

Mr. S. C. Shahani : I beg to propose :

“That the savings amount of Rs. 2,53,000 under the head ‘Taxes on Income’ be increased by Rs. 1,000.”

The Honourable Sir Malcolm Hailey : Might I interrupt the Honourable Member? I merely wish to ask for a ruling, Sir, as to whether that motion is in order. We are proposing no additional expenditure under the head ‘Taxes on Income.’ On the contrary, the Honourable Member will see that we are proposing to effect a saving of Rs. 2,27,000. I wish to ask, therefore, whether the Honourable Member is in order in the motion which he proposes to place before the House?

Mr. President : The House is willing to hear what the Honourable Member proposes to do. The motion in its present form is not in order.

Mr. S. C. Shahani : I propose that there should be larger savings under this head. Sir, I beg to point out that hitherto there has been no harmony in the scales of salaries that have been fixed for the superior

and the inferior staffs. In this reconstituted department, the authorities have done well to fix the salary of the Income-tax officer at a reasonable figure. The maximum that is allowed to him is, I understand, Rs. 900. But, as I have pointed out on a previous occasion, the Assistant Commissioner should not be allowed a maximum salary of Rs. 1,500. Rs. 1,200 would, in my opinion, be adequate for him. I have also pointed out that the post of Personal Assistant to the Head Commissioner might not be continued.

Mr. President : Order, order. These questions arise under the principal Budget for the year. The Honourable the Finance Member finds himself in a position to come and ask for less money. The Assembly has already voted provision for the collection of Income-tax, and I do not see how the Honourable Member can bring his motion into order.

Mr. S. C. Shahani : If, in the reconstitution, the salaries had been fixed at a more reasonable figure, there would have been a larger saving ; and, Sir, that is how my amendment comes to be in order. I now therefore request that you will kindly allow me to state that while the superior officers are being highly paid, the examiners, inspectors and clerks do not draw adequate salaries. I understand that inspectors and assessors get Rs. 150 per month. The increments allowed them are of Rs. 10 a year. The maximum in their case is Rs. 250. And I see that the maximum would be reached by any one of these inspectors and assessors in 30 years, and as some of them are 40 or 50 years of age I am afraid they would never be able to take advantage of their revised scale of salaries.

Mr. President : I would point out to the Honourable Member that these are questions to be raised on the principal Budget of the year. The Assembly has already voted the Finance Member more money than he wants, and he is coming up to report what he has said.

Dr. H. S. Gour : Sir, the next motion I have to move is :

“ That the revised estimate under the head ‘ Stamps ’ be reduced by Rs. 1,000.”

The reason why I have tabled this motion is because the remark appended to column 10 against the head of Stamps is somewhat cryptic. It is said that “ the grant for purchase of plain paper as reduced by the Legislative Assembly will be inadequate.” What the House would like to know is how much paper was consumed, how much paper was purchased, and what paper was required for the consumption of the current financial year. These are questions which I think should have found a place in the remarks column. If Honourable Members will turn to the main Budget under the head “ Stamps ”, “ Non-Judicial and Judicial,” they will find that the total consumption of stamps, non-judicial and judicial, in 1920-21 was Rs. 23,69,767, and the budget figure for 1922-23 is Rs. 24,28,000, so that the budgetted figure is slightly in excess of the consumption recorded for the year 1920-21. Now we are asked to vote an additional sum of Rs. 1,17,000 for the purchase of stamp paper. What the House would like to know is whether the revenue from stamps, non-judicial and judicial, has been in excess of the amount budgetted for by the amount set out under this head “ Stamps ”.

The Honourable Mr. C. A. Innes : I understand, Sir, that Dr. Gour wants an explanation of what he calls the cryptic statement in the remarks

[Mr. C. A. Innes.]

column against this head "that the grant for the purchase of plain paper as reduced by the Legislative Assembly will be inadequate." The fact of the matter is, Sir, that we purchase this paper in bulk and we distribute it to Local Governments according to their requirements. The Local Government sell it to the public. They recover a profit on it and they pay us not only the cost price of the paper but a further 5 per cent. in order to cover our charges. Recoveries are made for all this expenditure from Local Governments. I have not got here the exact figures of what the total recoveries are expected to be in the current year; but these recoveries more than cover our cost. The House will see that in those circumstances it would not have helped, on the contrary, it would have hurt us, had we reduced the amount of money available for this paper. As I say, it is paper purchased in the main for Local Governments in accordance with their own requirements, and we recover 5 per cent. over the cost price of that paper from the Local Governments.

Dr. Nand Lal (West Punjab : Non-Muhammadan) : Sir, I support the motion of my learned friend Dr. Gour on two different grounds. One is, why are these stamps printed in England, why are they not printed in India? A great amount of money, which may be considered the money of the taxpayers, goes to England, whereas the Indian printers are fully capable of printing them. The answer may be advanced on behalf of Government that there are no firms in India sufficiently capable to print things like that. In answer to that I would submit that here in India we have got

Mr. President : Order, order. I find from the note in the margin that the grant is for the purchase of plain paper as reduced by the Legislative Assembly. That has nothing whatever to do with the printing of stamps.

Dr. Nand Lal : Sir, I have got a similar motion, and I thought I would curtail the work of this Assembly. If, however, I am asked to be technical, I will observe technicalities, and I shall make my remarks when my own motion comes up. I only wished to save the time of this House.

The other ground which I wish to submit for the decision of the Assembly is this,—that we find in the Budget for the last year, technically called 1922-1923. Demand No. 6 the amount which was budgetted is given in the last column as Rs. 1,83,000 for the purchase of plain paper in India.

The Honourable Sir Malcolm Hailey : I must correct my Honourable friend. The amount budgetted for originally was 3 lakhs. You will find it on page 24.

Dr. Nand Lal : Excuse me. Let me point out that the item which I am reading is different from what the Honourable the Finance Member has read. I am referring to Demand No. 6 on page 24—"Supplies and Services; cost of stamps; purchase of plain paper in India." Am I right?

The Honourable Sir Malcolm Hailey : I only rise again to make the point clear to my Honourable friend. There are two of these blue volumes. The first shows the Budget as originally placed before the Assembly. The second shows the Budget as corrected after the reductions which were made by the Assembly. He is reading from the latter volume and not from the former.

Dr. Nand Lal : The answer given by the Honourable the Finance Member is correct.

Mr. J. Chaudhuri (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural): Sir, may I ask the Honourable the Commerce Member for information as to what he means here by the purchase of plain paper? He has just stated that plain paper is sold by the Local Governments to the public. Does he mean by this the cartridge paper, which we in Bengal call in common parlance "demy paper,"—which is used for affixing adhesive stamps. Is it stationery paper or the water-marked paper which is used for the purpose of fixing adhesive stamps for presenting petitions to Courts. I think what he means is that. (The Honourable the Commerce Member and the Honourable the Finance Member nodded assent.) It is not correct to say that the Local Governments carry on a trade in paper by purchasing paper from the Government of India and selling it to the public and gaining 5 per cent. over the cost by way of commission. The fact is that the Local Governments sell not only stamps but also this particular kind of water-line paper which is supplied by Government of India and on which stamps are affixed for presenting petitions to Courts and public offices.

The motion was negatived.

Dr. Nand Lal : On the same grounds.....

Mr. President : If the Honourable Member is going to discuss the same thing, his motion is out of order.

Dr. H. S. Gour : I beg to move :

"That the revised estimate under the head 'Forest' be reduced by Rs. 1,000."

This is a very short question. I congratulate the Department for having effected a saving of Rs. 19,000 under the head Forest, but I should like to know why this amount is going to be re-appropriated by the creation of additional posts of instructors for the Ranger class. I should like to know how many students there were before, and what has necessitated the addition of posts of instructors for the Ranger class. Are these posts temporary or permanent, created for the first time this year, and what relation do they bear to the number of students who attend these classes?

The Honourable Sir Malcolm Hailey : I did not interrupt my Honourable friend as I saw he was only asking for information, but I wish to ask for a ruling with regard to this class of motion. We do not on the present occasion ask for more money on Forests but for less.

Mr. J. Chaudhuri : I cannot congratulate the Finance Department for effecting this saving. I think my Honourable friend Dr. Gour voted the other day on Mr. Neogy's motion that the Forest Research Institute should be more adequately equipped rather than that there should be any

[Mr. J. Chaudhuri.]

saving effected under that head. We voted for the Resolution the other day that we should provide for the training of forest officers here, and I do not think that Rs. 6,000 which is spent here for instruction of Rangers is one to which exception can be taken. Further, I would say that in regard to the Forest and scientific departments no expenditure should be curtailed. We do not want that any saving should be made in the nation-building departments or departments which go to make India self-contained and self-dependent. So, I can not congratulate either the Honourable the Finance Member or my Honourable friend Dr. Gour for his approval of the savings that have been effected under this head. In saying this I would say one word about the general remarks of my Honourable friend, Sir Deva Prasad Sarvadhikary.....

Dr. H. S. Gour : I rise to a point of order. Is my Honourable friend in order in dealing with Sir Deva Prasad Sarvadhikary's remarks? He never spoke under this head at all.

Mr. J. Chaudhuri : I am entitled to speak on the question of principle. He said this is a supplementary budget. It seems to me that it is not so much of a supplementary budget as an explanation of the manner in which the Finance Member has carried out the wishes of the Assembly. The Honourable the Finance Member does not want additional grant. What this document presents to us is this. We recommended a saving to be effected to the extent of Rs. 95,72,000, and the Honourable the Finance Member has presented to us an account.....

Mr. President : We are not dealing with 95 lakhs now.

Mr. J. Chaudhuri : I say no additional grant is demanded of us as it is fully covered by the savings effected. It is an explanation given to us as to how this has been effected.

With regard to particular items we can take exception as I do take exception to making a saving in the scientific departments. I do not agree with my Honourable friend that the saving of Rs. 19,000 is a proper saving. I think that the expenditure under the head Forest should be increased for the better equipping of the Forest Research Institute than it is at present.

Dr. H. S. Gour : After what has fallen from the Honourable the Finance Member I have no intention of pressing my motion, but at the same time, lest the House should be led away by what has fallen from Mr. Chaudhuri I wish to correct one or two points which he has made. In indulging in a long apologia on behalf of the Forest Department (*Mr. J. Chaudhuri* : "No, no") and in congratulating the House that the Forest Department has already instituted a Forest Research Institute and has re-appropriated that money for the purpose of financing that Department, my learned friend is drawing upon his imagination. Mr. Neogy's motion was only passed the other day. In the Council of State it was passed still more recently, and I have no doubt that gentlemen on the Treasury Benches would vouchsafe to us a reply emphatically denying that this re-appropriation has any connection, near or remote, with Mr. Neogy's motion in this House. My learned friend has entirely

drawn upon his imagination in saying that the Forest Department and the Forest Institute must be reinforced and re-invigorated with the savings and the crumbs of other Departments. That is entirely beside the point. The question I asked the Finance Member was whether the forest ranger class has become so big as to justify the employment of more instructors. Forest rangers, after all, are not forest experts, nor do they attend the Forest Research Institute as my Honourable friend would ask us to believe. They are of the lower subordinate rank and the instructors are of a mediocre calibre.

Mr. President : I cannot allow the Honourable Member to enter into a personal explanation at this stage.

Mr. J. Hullah (Revenue and Agriculture Secretary) : Sir, the actual savings which we anticipate in the votable provision under Forests are Rs. 25,000, but out of these we need Rs. 6,000 for extra instructors ; therefore the saving shown in the statement is only Rs. 19,000. I will now explain why we need these instructors. We have at Dehra Dun a college for the instruction (*Mr. J. Chaudhuri* : "Hear, hear") of provincial service officers, and also a college for the instruction of rangers. The rangers' course is one of two years and there are 40 students in each year, 80 in all. Recently the Bombay Government abandoned their idea of having their own Rangers College, since they found that it would commit them to great expenditure, and that if they expended several lakhs on building, taking the interest on these lakhs and the cost of teaching staff, it would cost them not less than Rs. 15,000 to turn out a single ranger. They have therefore asked us to take their rangers—to take 10 rangers a year. We have agreed to do so if they will pay for the extra necessary staff. We have told them that in order to do so we must have extra instructors, one in the Imperial Service and one in the Provincial, but as a matter of fact, we cannot get any Imperial Service man and we are using two Provincial Service men. The Bombay Government have agreed to pay the whole of the cost and not a single penny will really fall upon the Central Government. But since the expenditure must be incurred by the Government of India and appear in their accounts we must ask for an additional grant, but the money will be fully recovered from the Bombay Government, and Honourable Members at the end of the year will find that our revenue figure is correspondingly increased by the income that we shall receive from the Bombay Government, on this account.

Dr. H. S. Gour : I beg leave to withdraw my motion*.

The motion* was, by leave of the Assembly, withdrawn.

Dr. H. S. Gour : Sir, I move :

"That the revised estimate under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 1,000."

Honourable Members will see that the amount of Rs. 2,11,000 for which a supplementary grant is asked for is due to the cost of over printing post cards and postage stamps approved by the Standing

* "That the revised estimate under the head 'Forest' be reduced by Rs. 1,000."

[Dr. H. S. Gour.]

Finance Committee, partly counterbalanced by savings to the extent of 2,48,000 anticipated in the grant voted by the Assembly. Honourable Members will find.....

Mr. S. C. Shahani : I rise to a point of order. The object with which I have proposed my amendments is to bring under discussion on the floor of this House some of the features of the departments to which these my amendments relate. If such a discussion is considered irregular by you, I would request you to kindly point out to me under what rule the discussion is to be barred.

Mr. President : The Honourable Member is aware that on an earlier occasion this afternoon I ruled that where Government was not asking for money no motion for reduction could be made.

Dr. H. S. Gour : I was going to say, Sir, that during the last Delhi Session, when the question about the Indian Postal and Telegraph Department was under discussion it was pointed out by some of us to the Honourable Member for Commerce and Industries that it would be cheaper if all the postage stamps were printed in this country. Thereupon the Honourable Member for Commerce and Industries.....

Mr. President : I understand that the over-printing is done in this country.

Dr. H. S. Gour : You will see, Sir, presently what I am referring to. Over printing is done in this country but not printing. The printing is done in Europe. I object to the printing which necessitates the over printing.

Mr. President : The over printing was necessitated by the action of this House. The Honourable Member is quite entitled to draw attention to anything that comes within the subject of over-printing of post cards, but he is not entitled to raise the question—where the stamps were printed originally.

Dr. H. S. Gour : I shall confine myself within the observations that have fallen from the Chair. I pointed out last time that if these things are printed in this country, you know the quantity that is required and if you fall short of that quantity, you can always order printing, because the printers are on the spot. I also then pointed out that the printing in this country was quite capable of handling the Government orders to the extent that Government might give from time to time. I was then told that the printing in this country was atrocious and that the stamps produced by certain States were not up to the mark. I have since made inquiries and the result of the inquiries I have communicated to the Honourable Member of Commerce and Industries and I have shown also to certain other Members of this House that stamps have been printed in this country by a large Indian State.....

Mr. President : Order, order. This argument would be perfectly in order on the main Budget, but on a demand for the over-printing of post cards and postage stamps, due to changes in the rates of postage, the Honourable Member must confine himself within that subject.

Dr. H. S. Gour : I am afraid I cannot compress my argument in a tabloid form but if a little indulgence is given to me, you will see that what I say is absolutely relevant for the purpose of this over-printing. The first point that I want to make is that you can get these stamps printed locally and that such printing has been done and is being done here and the quality is equal to the stamps which are being used by the departments. I further pointed out that, and this is the point I am driving at, this large sum of money, Rs. 2,11,000 would have been wholly unnecessary if the stamps had been printed in this country. What is the object of over-printing? The object of over-printing is that you have a large quantity of stamps of a denomination no longer of service or use in this country, and consequently you have to convert these stamps to usable stamps and therefore you over-print them. The double process of printing and additional cost would have been saved if you had done what the House counselled you to do, namely, to place your orders in this country. I hope that this advice having been neglected by the Government, it has cost them Rs. 2,11,000. Not a trifle, but still I hope that my Honourable friend will profit by this costly experience and will not repeat the mistake which he has committed in spite of the warning of the House. I need hardly say that the stamps that are being used in this country are not superior to the stamps in vogue in all civilised countries.

Mr. President : I must assume that the stamps in use in this country are printed by money voted by this Assembly or its predecessors.

Dr. H. S. Gour : I therefore rest content by pointing out that this over-printing is uneconomical, is waste, should have been avoided, can be avoided and must be avoided in future.

Mr. J. Chaudhuri : I support Dr. Gour's motion but on more relevant grounds. I support him for eliciting information from the Honourable the Commerce Member. This motion relates to over-printing of post cards and stamps. I asked some questions about the enhanced rates which this Assembly sanctioned and I want to know whether the postal revenue has gone up or gone down. My information is that the number of post cards, letters and parcels posted has fallen off very largely. Having regard to these facts, why is it necessary to incur further expenditure? Why then have the expenses of the Postal and Telegraph Department gone up instead of going down. If my Honourable friend the Commerce Member would satisfy me, I shall join my Honourable friend in withdrawing his motion.

Colonel Sir Sydney Crookshank (P. W. D. Secretary) : I had hoped to take the wind out of the sails of my Honourable friend Dr. Gour, because, whereas he only asks for a reduction of Rs. 1,000, I am in a position to make a reduction of Rs. 9,000. The House will have noticed that I made a pause. The pause was that of a disappointed comedian to give his audience an opportunity to offer him their plaudits. As the case stands, therefore, instead of the items in columns 8 and 9 reading Rs. 2,11,000, they may now be taken to be 2,02,000. My Honourable friend, Dr. Gour, has, however, carried the ground away from under my feet and instead of dealing with the matter of over-printing in this connection on which the demand is framed has wandered off into

[Colonel Sir Sydney Crookshank.]

the question of the manufacture of stamps. That is a matter which the Honourable the Commerce Member will deal with.

The Honourable Mr. Chaudhuri has made a reference to the income derived this year on postal matter as compared with that of last year. I would respectfully refer him to the answer which I gave to Sir Deva Prasad Sarvadhikary in which I gave the full figures he requires and pointed out that the income for the month of July this year amounts to Rs. 65,52,000, as against Rs. 60,18,000 for July last year.

Mr. J. Chaudhuri: Prior to July.

Colonel Sir Sydney Crookshank: Similarly on a count which was made in August, a three days' count, it was shown that the increased income amounted to about Rs. 1½ lakhs per mensem.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I am neither going to support Dr. Gour, nor shall I congratulate Colonel Sir Sydney Crookshank, but I wish to oppose the whole demand. The reason—that has been given,—for making this demand—is that the over-printing was necessary owing to our action at the last budget in having raised the postage. I regret I do not understand why the over-printing was necessary. Could not the stamps of other denominations be affixed on to the envelopes and post cards as was actually done for sometime? May I know in this connection whether the over-printing of these post cards and postage stamps is cheaper than the printing of the stamps if they fell short. We have no data before us to show that the stamps for the post cards, i.e., quarter-anna stamps, or half-anna stamps were not in stock at all or were not sufficient for our ordinary needs and fresh printing was necessary. It is only said in the statement that it was due to the over-printing of post cards and envelopes. I think that over-printing should not have been necessary if we had half-anna or quarter-anna stamps available. I think therefore that unless a proper explanation is given by the Member in charge of Post Offices we should reject this demand as a whole.

Mr. G. E. Clarke (Director General Posts and Telegraphs) : Sir, the Honourable Member who has just spoken has been talking on a subject which he knows nothing whatsoever about. When the new rates were introduced, the first order that was issued was that every available quarter-anna stamp in the country was to be used for affixing to post cards in order to raise the post card to half-an-anna. We ran completely out of stock of quarter-anna stamps, we had none left, and we were forced to over-print a very large number of post cards which we had in stock. Our stock runs into something like a thousand million of post cards which cost a very great deal of money, and we had not the smallest intention of wasting this immense stock of available postal stationery in order to print new post cards. We affixed all the quarter-anna stamps that we had in the country. We have left a few over for the postage of registered newspapers; and I think that settles any argument on that question.

The general case for the increased grant is that it cost us 4½ lakhs to over-print post cards and envelopes, and also to manufacture a certain number of post cards in the country. We over-printed something in the

neighbourhood of 200 millions of post cards ; and we manufactured, or are in the process of manufacturing about 70 millions ; and that the extra charge is 4½ lakhs. We have only asked for an additional grant of Rs. 2,02,000, and the rest we are making up out of savings. In the circumstances I think that the request for any reduction can hardly be supported.

Mr. K. B. L. Agnihotri : Sir, the Honourable Mr. Clarke has charged me with ignorance of his Department, and I frankly admit that I am ignorant of the activities of that Department because I am not in charge. If my Honourable friend had taken the trouble to give the information in the statement for the Supplementary Demands supplied to us, I would have been saved the need of putting such a silly motion as the Honourable Mr. Clarke regards it to be. (Laughter.)

Mr. President : The Honourable Member is making a speech.

The question is :

“That the revised estimate under the head ‘Indian Postal and Telegraph Department’ be reduced by Rs. 1,000.”

The motion was negatived.

Mr. P. P. Ginwala (Burma : Non-European) : Sir, I shall not make a motion.

Mr. P. L. Misra (Central Provinces Hindi Divisions : Non-Muhamadan) : Sir, seeing the fate of the amendments of my predecessor, I am not very hopeful. (Cries of “Withdraw.”) I beg to withdraw.

Dr. H. S. Gour : Sir, in moving my motion :

“That the revised estimate under the head ‘General Administration’ be reduced by Rs. 1,000,”

I seek information on the subject mentioned in the remarks, namely, “due to the creation of the Retrenchment Office, the entertainment of additional staff for retrenchment work in some of the Secretariats approved by the Standing Finance Committee, certain publicity propaganda work undertaken in some of the provinces.” Now I should like very much to know—and I have no doubt other Members in this Honourable House suffer from the same curiosity—what is this certain publicity work which is being undertaken in some provinces ? In what connection is this publicity propaganda undertaken, and what is its cost ? That is the first question I would like to have some information about. The second question upon which I seek information is, what is the cost of the creation of the Retrenchment Office ? I always thought that retrenchment meant curtailment, but we begin here with an additional cost ! (Laughter.) That may be so, and perhaps eventually we may have some sort of a Committee to deal with the question of retrenchment, but this House knows nothing about it officially. (Laughter.) But we should like to know what money we have to spend on the creation of this office, which is sacred to the term ‘retrenchment’. The third thing I want to know, Sir, is, what is the additional staff—and its cost—which has been entertained for the purposes of this Retrenchment Committee. I seek information on these points ; and when I have received that information, I shall then know how to act.

Mr. President : The question is :

“ That the revised estimate under the head ‘ General Administration ’ be reduced by Rs. 1,000.”

The Honourable Sir William Vincent (Home Member) : Sir, I will only deal with one point of the request which the Honourable Member has made, namely, the demand for information as to the grant for publicity. Sir, a great deal of publicity work is done in the provinces on subjects in which the Central Government is vitally interested.

In order to get that work done in the vernacular of the different provinces, and to secure that our leaflets are widely disseminated we have to ask the assistance of the provinces. The whole question was put before the Advisory Board of the Publicity Organization and the necessity for this grant was accepted by them if we were to get the work done at all ; they advised the Government of India in the Home Department to make this expenditure. I believe myself that the money is well spent in the provinces in explaining the views of Government and educating the public on all-India questions. I am quite certain that I shall have the support of every member of the Advisory Publicity Committee on this subject.

Rao Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : I had also tabled, Sir, a motion for reduction on this head under the misapprehension that it related to the trip of Lieutenant Colonel Crawford for educating the country as to the necessity for military expenditure. But I have now ascertained that it does not relate to that but to the ordinary publicity work of the Central Publicity Board. I myself was a party to this advice to the Home Department, because Local Governments have reduced their grants to the Local Publicity Boards. I happen to be the Chairman of the Madras Publicity Board, and I know the great difficulty which we labour under in finding funds for giving due publicity to various kinds of propaganda. For instance, the forest resources of this country have not commanded that attention from the public which they ought to have commanded. Honourable Members will remember that we had a lecture here by a Forest Officer. In every province there are vast forest resources which have yet to be developed ; and in that connection leaflets and pamphlets had to be issued and translated into the various vernaculars of the provinces. They refused to publish them unless we gave them grants. That is how this expenditure has been incurred. But for this grant being made that work could not have been undertaken, and I gladly endorse what the Honourable the Home Member has said.

Mr. K. B. L. Agnihotri : May I know the amount which the Home Member wants for the actual publicity propaganda work ?

The Honourable Sir William Vincent : Rs. 50,000 for the whole of India.

Rao Bahadur T. Rangachariar : I may also mention Sir, and I am sorry I have omitted to do so, that there is a proposal also to train three Indian graduates in publicity work

Sir Deva Prasad Sarvadhikary (Calcutta : Non-Muhammadan Uryan) : Sir, before the Honourable the Finance Member replies on the question of costs of the Retrenchment Committee, as I suppose he will, may I draw his attention to item 44—Miscellaneous, under which another item of expenditure on the Retrenchment Committee is shown as Rs. 48,000. I suppose all these go together, and one would like to know why they are shown under different heads and whether there is any significance in that difference in tabling.

The Honourable Sir Malcolm Halley : I can explain, I hope, to the satisfaction of my Honourable friends the points they have raised in regard to retrenchment expenditure. I will take first the paradox presented to us by Dr. Gour, namely, that, having proposed a policy of retrenchment, we first of all begin by spending money on retrenchment itself. But Sir, it is not really a paradox. If you are to go through the accounts and the organization of every Department, then you need to make that process a matter of special study. Although apparently, if I am to believe one Honourable Member who has spoken this afternoon, the Assembly knows nothing whatever about the appointment of Lord Inchcape's Committee : although it is a dead secret which has not yet been communicated to the newspapers, yet nevertheless it is not unknown outside the Assembly that Lord Inchcape's Committee is not only about to undertake an exhaustive and thorough investigation of the whole civil expenditure of the Government of India, but is also prepared to make suggestion to the Government of India regarding military expenditure. Now it would involve a sheer waste of time of a Committee of this importance if we simply presented to them a large blue volume containing our Finance and Revenue Accounts, and were, so to speak, simply to invite them to have a smash at it. What we want to do is to give them an ordered account of the activities of each department showing exactly the rise of our expenditure year after year with suggestions if possible as to the directions in which it could be curtailed. It would not be reasonable, I think, to ask the Departments themselves to undertake that work ; particularly the last named portion of it ; it has to be undertaken by somebody outside the Departments. Now ordinarily that would be an officer, of the Finance Department ; but my Department is so small that it would be quite impossible for it to undertake that work without employing a special officer. The expenditure therefore on retrenchment which we are at present undertaking is simply to cover the appointment of two officers and a clerk or two under their directions to prepare the necessary memoranda for the Inchcape Committee, on the civil and military sides. I was reading yesterday, in the intervals of those social alleviations which were not unconnected with the Assembly itself, a memorandum which I think extended to nearly 100 printed pages regarding military expenditure. It entered with the fullest and most thorough and scrupulous care into every item of military expenditure. It would be impossible that that memorandum should have been prepared by an officer engaged in his ordinary routine duties. That is why under the head " General Administration " we have made this provision, not a large one in itself, for an officer or two, a clerk or two and a few typists.

[Sir Malcolm Hailey.]

There is, as Sir Deva Prasad Sarvadhikary has pointed out, a further item under the head "Miscellaneous." That is for expenditure on the Committee itself.

Sir, if a Committee of this kind can save only half a lakh of rupees recurring expenditure, the capitalized value of that would more than justify the expenditure we are undertaking now. Even if it could save only a quarter of a lakh recurring expenditure, the capitalized value of that would fully justify the expenditure we are undertaking. But of course we are not thinking of a quarter of a lakh or half of a lakh, nor of the capitalized value of such minute sums. We are thinking of something far more important.

Mr. President : The question is :

"That the revised estimate under the head 'General Administration' be reduced by Rs. 1,000."

The motion was negatived.

Dr. Nand Lal : I withdraw this motion.*

Dr. Nand Lal withdrew also item No. 15 in printed list, namely,

"That the provision under the head 'Audit' be reduced by Rs. 500."

Dr. Nand Lal : I move that :

"The provision under the head 'Ports and Pilotage' be reduced by Rs. 1,000."

May I invite the attention of this Honourable House to the remarks which are made against this item in the "Remarks" column No. 10. They are as follows :

"There will be an excess of Rs. 79,000 over the original grant voted by the Assembly, it being not feasible to carry out in full the reduction of Rs. 1,20,000 made by the Assembly under this head without sacrificing the efficiency of the service; in addition the Standing Finance Committee have agreed to an additional expenditure of Rs. 18,000 for the establishment of a continuous wireless service at the Sandheads."

It is the latter part of the remarks which I object to. The necessity for this was never explained in the demands which were placed before us only a few months ago. Supplementary demands could be considered justifiable if there is urgent and pressing need for the same, and in that case alone the Honourable the Finance Member could ask us to vote the money. But in these remarks we do not find what the necessity is, and why Government requires to spend this money on this unnecessary thing. I think the Honourable the Assembly has fully followed my speech. What I want to ask the Honourable Member in charge is why this item was not shown in the previous demand, and what the pressing need now is. Nothing has been shown, and therefore, I move this amendment and I hope that this modest amendment will be accepted by the Assembly.

* (Item 14.—'That the provision under the head 'General Administration' be reduced by Rs. 500.')

Mr. President : The question is :

“ That the provision under the head ‘ Ports and Pilotage ’ be reduced by Rs. 1,000.”

Rao Bahadur T. Rangachariar : Sir, I wish to ask something about this Wireless branch. I would like to know really what is being done with reference to this Wireless department. Is it in an experimental stage or has it gone beyond the experimental stage and what is the necessity for a big Director in charge of this Department ? What has been the capital outlay and what is the recurring expenditure under this item and what are the actual receipts and expenditure under this head ?

The Honourable Mr. C. A. Innes : Sir, I rise to a point of order. We are discussing Demand No. 16, Ports and Pilotage, and particularly the Wireless installation on the pilot vessel at the mouth of the Hooghly. I submit we cannot properly discuss now the whole question of the organisation of the Wireless branch of the Post and Telegraph Department.

Mr. President : The Honourable Member will have to confine himself to the motion before the House.

Mr. J. Chaudhuri : I rise to oppose Dr. Nand Lal's motion. He has never been down the Hooghly and into the Bay of Bengal. (Laughter.) He does not know about the trouble and difficulty there is in the navigation in the Hooghly. Perhaps he has never heard of the name of the pilot brig “ Fraser.” It is essential that there should be efficient wireless installation at the Sanheads for the safety of maritime trade and also for passenger ships. So, I thoroughly approve of this fresh expenditure under the head of Wireless Installation and I oppose Dr. Nand Lal's motion.

The Honourable Mr. C. A. Innes : Sir, I am obliged to my friend, Mr. Chaudhuri, for his support, but I should like to point out to the House that we have already got a wireless installation on the pilot vessel. The point for consideration is whether the wireless service on the pilot should be continuous ; at present it is not continuous. We have not got enough operators on the vessel. The result is that ships arriving at the mouth of the Hooghly are put to inconvenience, because at times they cannot get into direct touch with the pilot vessel. They can get into touch with it sometimes through the radio installation of Fort William. But this may be interrupted in stormy weather and then ships approaching the Hooghly are put to inconvenience, because they have no means of getting into touch with the pilot vessel and finding out exactly where the pilot vessel is. We have been discussing this matter with the shipping interests in Calcutta for a long time, and we arrived at the conclusion, on the very strong recommendation of the Bengal Government, that we ought to, if we can, establish a continuous Wireless service on the pilot vessel. At the same time I should like to assure my friend, Dr. Nand Lal, that we are not prepared to institute this continuous service on the pilot vessel until we are satisfied that the pilotage receipts cover not only all the other expenditure which is met from those receipts, but will also be sufficient to cover the cost of converting this wireless service on the pilot vessel to a continuous service. If the Bengal Government can not satisfy us on that point, then we shall

[Mr. C. A. Innes.]

defer the introduction of an improvement, which we recognise to be desirable but which at the present time cannot be said to be vitally necessary. So, I hope under these circumstances that Dr. Nand Lal will withdraw his motion on the understanding that this expenditure will not be incurred until we are satisfied that it can be met from pilotage fees.

Dr. Nand Lal : In the light of the explanation given, I beg leave to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. President : The next reduction* standing in the name of Mr. Shahani is out of order, because the proposed reduction is under a non-votable head.

Mr. S. C. Shahani : How is my motion out of order, Sir ?

Mr. President : Because non-voted expenditure is not voted. (Laughter.)

Lala Girdharilal Agarwala (Agra Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That the provision of Rs. 10,000 in respect of the deputation of Lieutenant-Colonel Hutchinson be omitted.”

Sir, I do not know why this matter was not brought forward in March and why the necessity for it has arisen now and cannot wait till the 4th of November when Lord Inchcape is coming here with his big axe.

The Honourable Sir Malcolm Hailey : Then the Honourable Member has actually heard about the appointment of the arrival of the Inchcape Committee ? I congratulate him.

Lala Girdharilal Agarwala : We know that officially now, because of the reply given to me in reply to one of my questions which I put in this very Chamber perhaps on the 7th or 8th of September. Now, Sir, it appears that a gentleman is going to be sent to Paris to attend the Conference. I anticipate an answer from the Honourable the Finance Member that this has been agreed to by the Finance Committee, but I do not know whether it was unanimously passed or by what majority. Whatever may be the decision of the Finance Committee, this Honourable House can sit in judgment upon the Finance Committee and find out whether the finding of the Finance Committee is justified or not. Now, it appears that this gentleman is not a resident of India and perhaps he will soon retire and go to enjoy his well-earned pension in his home, so that the experience which he will gain at the expense of the poor Indian tax-payer will be spent outside India.

I do not see why we should incur that expense. If it had been proposed that some Indian gentleman was going to be sent, whose experience would be utilized in India, and would be an asset to India, in that case perhaps I might not have brought this objection forward. I must say that only about an hour or two ago I had an interview with a gentleman who explained to me the necessity of our country being represented, but

* “ That the excess amount of Rs. 4,000 under the head ‘ Education ’ be reduced by Rs. 1,000.”

I do not know why it is necessary to send out a gentleman who would be a loss to us after two or three years, and one who would not remain here or be of use to the Indian public after a very short time. Under these circumstances I submit that this Resolution of mine be carried.

The Honourable Mr. C. A. Innes : Sir, it is quite obvious from Mr. Agarwala's remarks that he does not understand why this gentleman, Colonel Hutchinson, is being sent to serve on this Advisory Committee. The fact of the matter is that for some time past we have had under consideration the question of Anthrax.

I am on the wrong subject. (Laughter.)

Mr. M. S. D. Butler (Education Secretary) : Sir, there is reason in what the Honourable Member who has just sat down has said, inasmuch as we hope that Colonel Hutchinson will also go to a Conference at Geneva to deal with the question of Anthrax. But this particular demand is to send him to Paris to deal with the revision of the Paris Sanitary Convention. From the number of motions sent in about this grant there seems to be a good deal of misunderstanding about this Paris Sanitary Convention, and it is not to be wondered at, seeing that it is only in the last twenty years or so that the nations of the world have come to realise that disease is international in character and knows no geographical boundaries. So far as I know the first expression of this realization was in the year 1903, when an International Conference was held in Paris and the Sanitary Convention of 1903 was passed. This Conference was a Conference of a diplomatic character summoned for the purpose of dealing with the Convention. It was attended by Ministers or other specially accredited representatives of the various countries to ratify the Convention which had been prepared by experts. So important did the whole question appear to the Governments participating that they arranged that there should be in Paris a permanent organisation of experts to deal with the matter, and this is known as the International Office of Public Hygiene. This body was set up in 1907. Subsequently with the help of the experts by whom India was represented this body revised the Convention of 1903, and in 1912 put it for approval before a second Conference, representing most of the nations of the world. It is this Convention of 1912 which holds the field to-day. Members may ask why countries join such a Conference ; in particular, why did India join that Conference and sign this Convention ? The answer is simple. India is the suspect country of the world. It is we who provide many of the epidemics which travel all over the world, and if we did not come into this Conference and submit ourselves to a certain amount of regulation, the result would be that the other nations of the world, who are not offenders like we are, would put restrictions on our trade and put our ships into quarantine. The object of joining this world movement is to show that we are doing our best, and to get the necessary restrictions made as light as possible.

Now, the Convention of Paris of 1912 falls under three main heads ; it has three parts. There is the general part which affects all countries. This is known as Part I. Part I again falls into three portions. The first deals with the notification of epidemics. The various countries undertake to notify each other of the occurrence of epidemics in their sea-ports. For instance, from Simla each week goes

[Mr. M. S. D. Butler.]

a telegram to say what epidemic diseases we have in our seaports. Every nation does the same, and that information is circulated throughout the world. The various countries also notify each other what measures they are taking to deal with their epidemic diseases. The second portion of Part I of the Convention lays down the measures which must be taken by a country when a ship leaves an infected port in that country. This obligation affects India closely, as there is no major port in India which is not infected. The ports of European countries are not infected ports as a rule, but our major ports are almost permanently infected. In India there is hardly ever a time when there is not plague or cholera or some other epidemic disease in our seaports. The result is what Members experience when they leave India by ship. They only see the easy side of it. They walk before a doctor and have their pulse felt, and have to conform with certain simple precautions before going on shore on the way or at their destination. But much goes on which they do not see. For instance the crew and the third class passengers are disinfected. The ship itself is also fumigated to kill the rats. The other day we had a big fumigation in Bombay, which killed a lot of plague rats. All that goes on in every port of this great country, simply because the ports are infected with disease. The third portion of Part I of the Convention deals with the measures which a country may take for its own protection when a ship comes from an infected port. If we did not fulfil the prescribed precautions in Bombay, our ships would at once be held up at the Suez Canal. The crew would be sent to the quarantine station there and the ship kept for several days. It is only because we come into this Convention and arrange that the required precautions shall be taken at the port of departure that that our ships are allowed by the quarantine authorities to go through the Suez Canal with a minimum of inconvenience. It is a very serious matter to hold up a ship for 5 or 6 days. It means immense loss of money and immense inconvenience to everybody. Part I of the Convention has recently been revised in the light of the experience gained in the war. During the war Government began to realise the immense efficacy of sanitary measures. It was shown that huge armies could fight in most insanitary conditions and yet be kept in good health, if sanitary precautions were taken. There has been in consequence an immense quickening of interest in International Sanitation, and since 1920 the Paris Office has been revising the Paris Convention of 1912. Part I, as I have said, has been revised already. India was represented by a special officer, and we were successful in preventing certain unnecessary restrictions being imposed upon us, and that chapter is closed.

I now turn to Parts II and III of the Convention which are under consideration at this moment. Part II embodies an arrangement for turning the Suez Canal into a filter for the epidemic diseases coming from India, China and the Far East. It contains, that is, the special measures which are imposed by the more sanitary countries of the West against all Asiatic countries. Part III, in its turn, deals with pilgrimages. Now, as the House will readily understand, one of the great sources of infection in the world is the *Haj*. Pilgrims from all over the world

come to Jeddah, do their pilgrimage and then return to their homes, and it is from that centre that a great deal of the epidemic disease of the world comes. Indeed, unless the pilgrimage is very carefully watched, other countries may suffer incredibly. Each pilgrimage is a matter of real anxiety. Mercifully, we have got through the last one successfully, but, from time to time, there are outbreaks of cholera and other epidemics and the pilgrims separate all over the Muhammadan world, and that is all over the world, carrying disease with them and the countries become affected. Part II then deals specially with the sanitary arrangements for ships taking pilgrims to Jeddah. As the House knows every pilgrim ship, which leaves India, goes to the island of Kamaran in the Red Sea, and is there examined and everybody disinfected. Then the pilgrims get a clean bill of health from there and are passed through to Jeddah. Now, the Office Internationale has proposed fresh restrictions on India and the East in its revision of Parts II and III, and, if they are carried, we shall suffer here not only in the comfort of our passengers, whenever they move anywhere, but in expense. What we want to do is to send our representative to Paris to represent our case, to say that we are doing our best to conform to the necessary sanitary regulations, but to press that unnecessary restrictions shall not be put upon us. I will give an instance of what we are doing, a proposal has been made on certain quarters that the sanitary arrangements on the island of Kamaran shall be taken out of the control of India. Now, the House will readily understand that that is not an unreasonable proposal from the point of view of an International Board. Just as my Honourable friend, the Finance Member, has just said that he could not leave it to departments to make their own retrenchments, but had to put on somebody interested in retrenchment for the purpose, so the International Board may well say, that as quarantine at Kamaran is imposed to protect nations other than India, they and not India should control it. We want to contest that, we want to point out that we send Muhammadan pilgrims in the greatest number to Jeddah that religious questions are involved, and that we must retain control of the quarantine arrangements in Kamaran and not hand them over to a body which may not understand the needs and the feelings of Muhammadans. (*Mr. K. Ahmed* : "Send a Muhammadan doctor there.")

Sir, I do not wish to detain the House any longer at this late hour or to give a lecture on Public International Sanitation, but I think I have shown that it is essential that we should send our leading expert officer to Europe to take part in the Conference. Lieutenant-Colonel Hutchinson, the Public Health Commissioner with the Government of India, is a man known throughout Europe as an expert in these matters. He has attended Conferences before, and we want to send him to fight our battles and to see that, while we conform in every reasonable way with the requirements of the world, we shall not be penalised by restrictions which we do not think are necessary and in particular that we shall be allowed to keep the sanitary arrangements for the *Haj*, so far as we can, in our hands.

There is only one other thing to say. The countries of the world, as said before, have all along been very suspicious of India. They bear with as much equanimity as they can the epidemics which come from

[Mr. M. S. D. Rutler.]

China, because China is hardly responsible ; it has no settled Government, no central Government, which can enforce anything. But what the nations of the world are saying now is " Why should India, which claims to be a nation, not act like other nations ? Why is it that Japan appears at every Conference ? Why is it that the international sanitary arrangements in Japan are so good, while those of India are so open to criticism ? " India has just signed the League of Nations. India claims for herself a position amongst the nations, and the nations say " Come and behave like other nations ; take your part in the comity of nations and fulfil your obligations just as Japan does." Why, at this moment, Sir, Japan attaches such importance to this business, that she keeps a permanent sanitary office at Geneva to watch over Japan's interests. A short while ago, when, owing to the breakdown in Russia of sanitary arrangements, the whole of Russia became a prey to typhus and other epidemics, the nations of Europe had to form a sanitary cordon against Russia. The cost of that alone is £300,000, of which England alone has put down £100,000 to form a sanitary barrier against the invasion of disease from Russia into the rest of Europe. Japan, although not directly interested, has had her representative the whole time at the International Conference which has been dealing with this question. She has taken her part to show that she is one of the nations of the world. I hope, therefore, that this House will not accept what my Honourable friend, who moved this motion, has just said, that because Lieutenant-Colonel Hutchinson, our greatest expert, is an Englishman, therefore, he should not be sent to Paris, and that we should send a man, who knows nothing about these matters, to cope with the leading sanitary experts of the world, simply because he is an Indian. That is not right, that is not fair, to India. We must send the best man that we have, a man who has the whole of this very complicated matter at his fingers' ends. (Hear, hear.)

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 26th September, 1922.

APPENDIX,*

A.—Aged 9. Day after marriage. Left *femur* dislocated, pelvis crushed out of shape, flesh hanging in shreds.

B.—Aged 10. Unable to stand, bleeding profusely, flesh much lacerated.

C.—Aged 9. So completely ravished as to be almost beyond surgical repair. Her husband had two other living wives and spoke very fine English.

D.—Aged 10. A very small child, and entirely undeveloped physically. This child was bleeding to death from the *rectum*. Her husband was a man of about forty years of age, weighing not less than eleven stone. He had accomplished his desire in an unnatural way.

E.—Aged about 9. Lower limbs completely paralysed.

F.—Aged about 12. Laceration of the *perineum* extending through the *sphincter ani*.

G.—Aged about 10. Very weak from loss of blood. Stated that great violence had been done her, in an unnatural way.

H.—Aged about 12. Pregnant, delivered by *craniotomy* with great difficulty, on account of the immature state of the *pelvis* and maternal passage.

I.—Aged about 7. Living with husband. Died in great agony after three days.

K.—Aged about 10. Condition most pitiable. After one day in hospital, was demanded by her husband, for his "lawful" use, he said.

L.—Aged 11. From great violence done her person, will be a cripple for life. No use of her lower extremities.

M.—Aged about 10. Crawled to hospital on her hands and knees. Has never been able to stand erect since her marriage.

N.—Aged 9. Dislocation of *pubic arch*, and unable to stand or to put one foot before the other.

In view of the above facts, His Excellency's compassion is invoked to enact or introduce a measure by which the consummation of marriage will not be permitted before the wife has attained the full age of fourteen (14) years. The terrible urgency of the matter is put forward as an excuse for this interruption of His Excellency's time and attention.

* *Vide* page 882 of these Debates.