

LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 1st SEPTEMBER, 1925

Vol. VI—No. 8.

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Tuesday, 1st September, 1925.

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

QUESTIONS AND ANSWERS.

PURCHASE OF COAL THROUGH THE CHIEF MINING ENGINEER, RAILWAY BOARD.

292. *Mr. K. C. Neogy : (a) Will the Government be pleased to state what coal other than that required for the various railways is purchased, by or through the Chief Mining Engineer, Railway Board ?

(b) Will Government furnish a list of consumers other than the railways for which such purchases are arranged ?

(c) What are the exact terms on which the agency of the Chief Mining Engineer is employed for purchase of coal in respect of non-Government consumers ?

The Honourable Sir Charles Innes : (a) and (b). The Chief Mining Engineer, Railway Board, purchases coal for various Government Departments, such as the Army Department, Public Works Department and Government Press. He does not purchase coal for any non-Government consumer.

(c) Does not arise.

RESOLUTION *re* ESTABLISHMENT IN CHOTA NAGPUR OF A SCHOOL OR INSTITUTE OF MINING.

293. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government please state :

(a) If any action has been taken to give effect to the amended Resolution :

“ This Council recommends to the Governor General in Council to consider the advisability of establishing in Chota Nagpur a School or Institute of Mining.”

adopted at the meeting of the Council of State held on the 17th February 1925 ?

(b) If so, what action has been taken ?

(c) If none, why not ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). As stated during the debate on this Resolution, a School of Mines is under construction at Dhanbad in the Chota Nagpur Division of Bihar and Orissa.

(c) Does not arise.

PROVISION OF A TRAINING SHIP.

294. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to starred question No. 944 asked on 20th February 1925 that " the question of providing a training ship as recommended by the Committee is at present under consideration ", will Government please state :

(a) if they have arrived at any conclusion ?

(b) if not, by what time are they expected to come to a decision ?

The Honourable Sir Charles Innes : I have already answered that question on the 27th August 1925.

CORRESPONDENCE RELATING TO THE APPOINTMENT OF THE PUBLIC SERVICES COMMISSION.

295. ***Mr. C. S. Ranga Iyer** : (a) Has the attention of the Government been drawn to Earl Winterton's statement in the House of Commons in reply to a question, " that correspondence was still proceeding with the Government of India with regard to the Public Services Commission recommended by the Lee Commission " ?

(b) Will the Government be pleased to place the said correspondence on the table ?

The Honourable Sir Alexander Muddiman : (a) Correspondence is still proceeding.

(b) As I have already explained in answer to other recent questions, I am unable to place the correspondence on the table.

296. (Answered on the 26th August 1925.)

PROPOSED SEGREGATION BILL IN SOUTH AFRICA.

297. ***Mr. Gaya Prasad Singh** : (a) Are Government aware that Dr. D. F. Malan, Minister for the Interior, introduced on the 23rd July a Bill in the South African Assembly embodying the Asiatic policy of the Government ?

(b) Are Government aware that in introducing the Bill, Dr. Malan said :

" The Bill started on the supposition that the Indian was an alien in the country. No solution would satisfy the country which did not result in a very considerable reduction of the Indian population, not by forcible means, but by a method of application of pressure to supplement the inducements held out to Indians to leave the country."

(c) Will the Government be pleased to say what steps they have taken in the matter ?

(d) Will the Government kindly say how many South Africans there are in India ? And do the Government propose to bring in a Bill on similar lines, which may have the effect of reducing the number of South African " aliens " in this country ?

Mr. J. W. Bhore : (a) to (c). The attention of the Honourable Member is invited to the reply given by me on the 31st August to Mr. Kamini Kumar Chanda's question No. 234 on the same subject.

(d) According to the census of 1921 the number of South Africans in India is 120. The matter referred to in the second part of the question is in the negative.

PUBLICATION OF THE REPORT OF THE FIJI DEPUTATION.

298. ***Mr. Gaya Prasad Singh** : (a) Is there any chance of the Fiji Report being published ? If not, why did the Government spend the taxpayer's money in sending out a Commission whose Report they do not desire to publish ?

(b) Do the Colonial Office object to the publication of the Report because it is supposed to make some damaging revelations ?

Mr. J. W. Bhore : (a) and (b). The Honourable Member's attention is invited to the reply given by me on the 27th January 1925 to his question No. 301 on the same subject. As the correspondence between His Majesty's Government and the Government of India is still proceeding the question of publication has not been decided.

Mr. Gaya Prasad Singh : Is it a fact, Sir, that Pandit Govind Sahai Sharma, one of the signatories, was asked by the Government some time before his death to make certain alterations in the Report ?

Mr. J. W. Bhore : I am not aware of that.

Mr. Gaya Prasad Singh : Has the attention of Government been drawn to Pundit Benarsidas Chaturvedi's letter published in the *Hindis* newspaper of South Africa, dated the 10th July last, in which a specific allegation to this effect has been made ?

Mr. J. W. Bhore : No, Sir.

APPOINTMENT OF INDIANS AS DIPLOMATIC REPRESENTATIVES IN FOREIGN COUNTRIES.

299. ***Mr. Gaya Prasad Singh** : Will the Government be pleased to say if there has been any correspondence with the Secretary of State during the last 5 years, regarding the eligibility of Indians for appointment as diplomatic representatives in any country ? If so, are the Government prepared to lay such correspondence on the table ?

Sir Denys Bray : I will answer questions Nos. 299 and 303 together. There has been no such correspondence.

ABOLITION OF BOARDS OF REVENUE.

300. ***Mr. Gaya Prasad Singh** : (a) With reference to my starred question No. 1104 of the 30th May 1924, will the Government be pleased to say if there has been any correspondence with the Local Governments during the last two years, regarding the abolition of the Board of Revenue ? If so, with what Local Governments ?

(b) Have any of the Local Governments in the correspondence referred to above given their support to the proposal to abolish the Board of Revenue ? If so, which Government has done so ? And is there any likelihood of any Board of Revenue being abolished in any Province in the near future ?

Mr. J. W. Bhore : (a) The answer is in the negative.

(b) The question does not arise.

ABOLITION OF DIVISIONAL COMMISSIONERSHIPS.

301. *Mr. Gaya Prasad Singh : (a) With reference to my starred question No. 26 of the 1st February 1924, regarding the abolition of Divisional Commissionerships, and the reply of the Government that they are considering the reports received from the Local Governments, will the Government be pleased to say when they propose to take action in the matter ?

(b) Why was not this subject referred for opinion to public bodies and individuals interested in the question ?

(c) Have the Government addressed the Secretary of State on the subject ? And if so, are they prepared to communicate to this House the purport of their proposals ? If not, why not ?

The Honourable Sir Alexander Muddiman : (a) The Government of India have informed Local Governments that while they are unable to agree to the abolition of Divisional Commissionerships generally, they will be prepared to consider on their merits proposals for the reduction of any particular posts.

(b) The question was considered in at least six† provinces by Committees on which non-official opinion was represented. The Government of India had the reports of these Committees before them when they arrived at their decision and were sufficiently aware of non-official opinion in the matter.

(c) The Government of India have informed the Secretary of State of their decision.

COMPLAINT REGARDING THE BOOKING OFFICE AT BHAGALPUR ON THE EAST INDIAN RAILWAY.

302. *Mr. Gaya Prasad Singh : (a) Has the attention of the Government been drawn to the " Bhagalpur Notes " published in the *Hindustan Times*, dated the 26th July 1925, in which it is stated that the third class booking office at Bhagalpur (East Indian Railway) is opened only about 10 minutes or so before the arrival of the 10 down loop passenger train, in consequence of which quite a number of passengers do not get tickets and miss the train ? Is this a fact ? If so, why should this state of things continue ?

(b) Is there any circular requiring booking offices to be open at least an hour before the arrival of trains ?

Mr. G. G. Sim : (a) The attention of the Agent will be drawn to the complaint.

(b) Railway Administrations have been asked to see that booking offices are opened sufficiently long before trains are due to start.

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- † 1. Bengal.
 2. United Provinces.
 3. Punjab.
 4. Burma.
 5. Central Provinces.
 6. Assam.

ELIGIBILITY OF INDIANS FOR APPOINTMENT TO THE BRITISH DIPLOMATIC SERVICE.

†303. ***Mr. S. C. Ghose** : (1) Has the attention of the Government been drawn to the reply given by Mr. Austen Chamberlain in the House of Commons some time ago that candidates for employment in the British Diplomatic Service and their parents must be born in the United Kingdom or a self-governing Dominion and that it was not proposed to change the rule ?

(2) Are the Government aware that the effect of this rule is that Indians are excluded from the British Diplomatic Service ?

(3) Are the Government prepared to address a note to the British Government on the desirability of altering the rule and making Indians eligible for appointment in the Diplomatic Service ?

(4) If the answer be in the negative, will the Government state the reasons for such refusal ?

HARDSHIPS OF INDIAN RAILWAY GUARDS.

304. * **Mr. S. C. Ghose** : (a) Has the attention of the Government been drawn to the letter signed " Ex-sufferer " published in the *Forward* newspaper of the 3rd June last ?

(b) Have the Government taken any steps to remedy the inconveniences suffered by the Indian railway guards ?

Mr. G. G. Sim : (a) Yes.

(b) Such matters are within the discretion of the Railway Administration. In this case the Government have made inquiries and are satisfied that the statements made in the letter are exaggerated. Measures were put in hand last year to improve the standard of comfort in running rooms and there should be no reasonable cause for complaint.

PROTECTION OF INDIAN INTEREST IN SOUTH-WEST AFRICA.

305. ***Mr. S. C. Ghose** : (1) Are the Government aware that General Hertzog, the Prime Minister of South Africa, introduced on the 8th June a Bill for conferring a constitution on South-West Africa of which the Government of the Union of South Africa is the Mandatory ?

(2) Do the Government propose to take steps to see that there is no clause inserted in the Bill derogatory or humiliating to Indians, or detrimental to the interests of Indians ?

Mr. J. W. Bhore : (1) Government have seen in the Press an outline of the proposed new constitution for South-West Africa, but have not yet received the text of the Bill nor been informed what stage it has reached.

(2) When a copy of the Bill is received, Government will consider whether any representations should be made regarding the position assigned to Indians in that territory. So far as Government are aware, there are at present no Indians resident in South-West Africa.

† For answer to this question, see answer to question No. 299.

RESERVATION OF THE LOWLANDS OF KENYA FOR INDIANS.

306. ***Mr. S. C. Ghose** : Have the Government of India accepted the decision of the Government of the Kenya Colony reserving the Highlands of Kenya for white-skinned people and setting aside areas in the Lowlands for Indian colonists ?

~~Mr. J. W. Bhore~~ : The decisions referred to were the decisions of His Majesty's Government and not of the Colonial Office. The Honourable Member is referred to the replies given by me on the 16th September 1924 to Sir Hari Singh Gour's questions Nos. 2016 and 2018 on the same subject.

GRIEVANCES OF PASSENGERS ON THE HOWRAH-BURDWAN CHORD LINE OF THE EAST INDIAN RAILWAY.

307. ***Mr. S. C. Ghose** : (1) Has the attention of the Government been drawn to the letter signed "Wretched Passengers" as regards the grievances of passengers travelling to and from stations on the Howrah-Burdwan chord line and published in the *Forward* of the 27th May last ?

(2) Do the Government propose to direct the authorities of the East Indian Railway to raise the platforms and erect sheds and thus remove the inconveniences suffered by passengers ?

Mr. G. G. Sim : All these improvements cost money, and a higher standard of comfort in travelling in the long run means higher fares. But improvements of the kind suggested are gradually being carried out and the Agent's attention will be drawn to this particular complaint.

CONSTRUCTION OF A RAISED PLATFORM AT BAMANDANGA ON THE KAUNIA-SANTAHAR LINE OF THE EASTERN BENGAL RAILWAY.

308. ***Mr. S. C. Ghose** : (1) Will the Government state why there is no raised platform at Bamandanga station on the Kaunia-Santahar line (E. B. R.) although the railway line was constructed some years ago ?

(2) Are the Government aware that great inconvenience is caused to passengers on account of the want of a raised platform ?

(3) Will the Government direct the Eastern Bengal Railway authorities to construct a raised platform at Bamandanga station at an early date ?

Mr. G. G. Sim : (1), (2) and (3). The Government have no information but will forward a copy of the question and answer to the Agent.

DEPUTATION OF INDIAN (IMPERIAL) POLICE SERVICE OFFICERS TO HIS EXCELLENCY THE GOVERNOR OF MADRAS.

309. ***Mr. S. C. Ghose** : (1) With reference to the news published in the *Times of Ceylon* of the 10th July that a deputation of three officers of the Imperial Branch of the Indian Police waited on the Governor of Madras and a Law Member at the Secretariat, Ootacamund, on the 9th July to represent their grievances in the matter of adjustments of arrangements regarding promotion between them and members

of the Madras Police Service, will the Government state if they have received any representation on the subject from the Government of Madras ?

(2) If the answer is in the affirmative, will the Government lay on the table a copy of the representation ?

The Honourable Sir Alexander Muddiman : The answer to the first part of the question is in the negative.

EXCLUSION OF INDIANS FROM THE PEAK DISTRICT, HONGKONG.

310. ***Mr. S. C. Ghose :** (1) Will the Government state if they are aware of the fact that in the Island of Hongkong the Peak District is reserved for Europeans ?

(2) If the answer is in the negative, will the Government look up this year's Whittaker's Almanac at page 707 ?

(3) If it is a fact that the Peak District is reserved for Europeans, are the Government prepared to demand an explanation from the Government of Hongkong why Indians are excluded from residing in the Peak District ?

(4) Are the Government aware that the Chinese of Hongkong have demanded the right of the Chinese to residence upon the Peak ?

Mr. J. W. Bhore : Government have no official information but are making inquiries.

PREPARATION OF SERUM FOR SNAKE BITE.

311. ***Mr. S. C. Ghose :** (1) Are the Government aware that the Government of the Republic of Brazil has established an Institute of Serumtherapy at Butantan (in Brazil) in connection wherewith there is a large snake park attached, where research is made into the scientific study of snake bite and its cure, and where snake bite serum is prepared ?

(2) Are the Government aware that the Government of the Union of South Africa has established a snake park at Port Elizabeth (in South Africa), where research is made ?

(3) Considering the heavy mortality from snake bite in this country, are the Government prepared to take steps to establish an Institute of Serumtherapy to which a snake park will be attached, where research might be made and snake bite serum might be prepared ?

Mr. J. W. Bhore : (1) An Institute of Serumtherapy existed at Butantan in Brazil in 1921, but Government are not aware if it is still in being or if there is a large snake park attached.

(2) Government have no information on the subject.

(3) India has its own snake park at Parel Laboratory, Bombay, where snake venom has been extracted from living snakes for nearly twenty years. The venom so collected is sent to the Central Research Laboratory, Kasauli, for the manufacture of anti-venene. The Research Department has always been alive to developments in this branch of medical science and even now one worker is engaged on a part time anti-venene inquiry at Bombay.

PROVISION OF ADEQUATE ACCOMMODATION FOR INTERMEDIATE AND THIRD CLASS PASSENGERS ON THE BENGAL NAGPUR RAILWAY.

312. *Mr. S. C. Ghose : (1) Has the attention of the Government been drawn to the letter written by Mr. D. Bhaduri and published in the *Amrita Bazar Patrika* of the 22nd July regarding " Railway grievance " ?

(2) Will the Government direct the Bengal Nagpur Railway authorities to provide modern and sufficient carriages so that intermediate and third class passengers may travel in comfort ?

Mr. G. G. Sim : Government have seen the letter referred to and are making inquiry. The result will be communicated to the Honourable Member in due course.

PROVISION OF A WAITING ROOM AT JHARGRAM ON THE BENGAL NAGPUR RAILWAY.

313. *Mr. S. C. Ghose : (1) Has the attention of the Government been drawn to the news published in the *Amrita Bazar Patrika* of the 29th May about the inconveniences suffered by passengers at Jhargram railway station (B. N. R.) on account of the want of a waiting room ?

(2) Will the Government bring to the notice of the Bengal Nagpur Railway authorities the desirability of stopping the Bengal Nagpur Railway Bombay mail at Jhargram station for a few minutes ?

Mr. G. G. Sim : (1) and (2). Government have seen the communication referred to. The matter is within the competence of the Agent, Bengal Nagpur Railway, and a copy of the question and answer will be sent to him.

VISIT OF A SUB-COMMITTEE OF THE SKEEN COMMITTEE TO ENGLAND AND OTHER COUNTRIES.

314. *Mr. S. C. Ghose : (1) Will the Government state if it is a fact that a sub-committee of the Skeen Committee will visit England and other countries to ascertain the conditions of military training obtaining in those countries ?

(2) Before the Government come to a decision on the matter, do the Government propose to take into consideration the fact that the information can probably be obtainable from British military officers who have visited military centres in foreign countries ?

Mr. H. Tomkinson : (1) A suggestion of the kind will be placed before the Committee since the Government of India desire that the Committee should have every facility which may be necessary to the successful prosecution of their inquiry.

(2) It will be very largely a matter for the Committee themselves to decide whether information at second hand will be sufficient for their purposes but I am not in a position to say that information which the Committee would consider adequate as second hand information would be available from the source which my Honourable friend has mentioned.

COMMUNAL REPRESENTATION IN THE GOVERNMENT OF INDIA SECRETARIAT OFFICES.

315. *Sardar Kartar Singh : (a) With reference to the reply to a question in the Legislative Assembly on the 23rd March, 1925, will the Government please say what decision they have arrived at in securing a measure of communal representation in the Government of India Secretariat and attached offices ; and what percentage has been allotted to each of the following communities :

Muhammadans,

Hindus,

Sikhs, and

Anglo-Indians (including Indian Christians) ?

(b) Do the Government now propose to take necessary steps soon to overhaul the percentage in each of the Government of India offices strictly in accordance with this decision ?

The Honourable Sir Alexander Muddiman : The question whether the policy which has been adopted to secure a measure of communal representation in certain services can suitably be applied to the Government of India Secretariat offices is still under consideration.

REPRESENTATION OF SIKHS IN OFFICES ATTACHED TO THE PERSONAL STAFF OF THE VICEBOY, ETC.

316. *Sardar Kartar Singh : (a) How many officers are there attached to the personal staff of His Excellency the Viceroy, or located in Viceregal Lodge ?

(b) Will the Government state the total strength of each of the offices, showing the numbers according to Provinces and communities in each office ?

(c) How many Sikhs are permanently employed in the ministerial establishment of each of these offices ?

The Honourable Sir Alexander Muddiman : (a) Two : namely, the Offices of the Private and Military Secretaries to His Excellency the Viceroy.

(b) The total strength of these offices is 15 and 20 respectively, excluding gazetted appointments. A statement showing the distribution according to provinces and communities is being forwarded to the Honourable Member.

NUMBER OF SIKH ASSISTANT TRAFFIC SUPERINTENDENTS IN THE PUNJAB AND ELSEWHERE.

317. *Sardar Kartar Singh : (a) What is the total number of Assistant Traffic Superintendents (Superior and Local, separately) in the Punjab and elsewhere ?

(b) How many of them are Sikhs ?

Mr. G. G. Sim : (a) and (b). The information may be obtained from the Railway Board's Classified List and Distribution Return a copy of which will be found in the Library.

STAFF SELECTION BOARD EXAMINATION.

318. *Sardar Kartar Singh : (a) Is it a fact that the Staff Selection Board has exhausted its list of passed candidates ?

(b) Is it a fact the Board have selected 50 men amongst those who sent in their applications for the forthcoming examination for employment in the Government of India offices ?

(c) Did they ever advertise for such selection before doing so ?

(d) Is it a fact that they have provided some such unpassed candidates from amongst these 50 enlisted ones ?

(e) If so, do the Government in such circumstances propose to hold another examination at an early date to avoid the complaints of the public ?

The Honourable Sir Alexander Muddiman : (a) The reply is in the negative.

(b) and (c). No. The Honourable Member probably refers to a list of unpassed local candidates willing to take up short temporary vacancies which was prepared in May last.

(d) Some of the candidates on the unpassed list have been given temporary employment.

(e) I would refer the Honourable Member to my reply to Mr. Ranga Iyer's question.

EMPLOYMENT OF SIKHS IN THE MINISTERIAL ESTABLISHMENT OF THE AUDIT OFFICER, INDIAN STORES DEPARTMENT.

319. *Sardar Kartar Singh : (a) With reference to the question No. 1225 by Lala Duni Chand answered on 23rd March, 1925, will the Government kindly lay the statement on the table as promised by the Honourable the Finance Member regarding the ministerial establishment of the Audit Officer, Indian Stores Department ?

(b) How many vacancies occurred in this office since January, 1925, and how have they been filled ?

(c) How many out of all the vacancies were allotted for Punjabis and how many have gone to Sikhs ?

(d) Is it a fact that there is no Sikh in that office. If so, are Government prepared to take steps to have a fair representation of the Sikhs in that Department ?

The Honourable Sir Basil Blackett : (a) I lay on the table the reply forwarded to Lala Duni Chand.

(b) Since January 1925, 19 vacancies have occurred and they have been filled up as follows, viz :

From the Office of the Accountant General, Bengal ..	1
From the Office of the Accountant General, Central Revenues ..	3
From the Office of the Accountant General, Punjab ..	4
From the Office of the Controller of Surplus Stores Accounts ..	4
From the Office of the Controller of Army Factory Accounts ..	1
From the Office of the Controller of the Currency ..	1
From the Office of the Executive Engineer, Patna Division (Bihar and Orissa)	1
From outside sources	4*
Total ..	19

* 2 M.As., 1 B.A., and 1 B.Sc. (with distinction).

(c) Of the above men, 6 were Punjabis and none were Sikhs.

(d) There are no Sikhs in the office. If any suitable Sikh candidates are available with the requisite experience of accounts work, they will certainly be taken. The Honourable Member is mistaken if he is under the impression that the audit office constitutes a separate "department". It is no more than a portion of the department controlled by the Auditor General.

Copy of reply forwarded to Lala Duni Chand with reference to his question No. 1225, dated 23rd March 1925.

There is only one office of the Audit Officer of the Indian Stores Department and that office moves between Simla and Delhi. The phrase "showing in provincial and sectional order" is not understood. The office has been in existence for three years and owing to the nature of the work which has been undertaken therein it has been necessary to obtain from other Account Offices men already skilled in accounts work. The men thus obtained were volunteers.

The total ministerial strength of the office is 48 accountants and clerks. Of these, 38 men, of whom 2 are Madrasis and 4 Punjabis, have been recruited from the following offices, *vis.* :

Accountant General, Central Revenues, Delhi ..	14	(including the staff which came over with certain work).
Accountant General, Bihar and Orissa, Ranchi	5	
Surplus Stores Accounts, Delhi	12	
Accountant General, Bengal, Calcutta ..	3	
Accountant General, Posts and Telegraphs, Calcutta	1	
Comptroller, Assam, Shillong	1	
Controller, Army Factory Accounts, Calcutta	2	
	—	
Total ..	38	
	—	

During the last 3 years only 5 outsiders have been appointed locally, of whom 3 are M.As., 1 B.Sc. (Honours), and 1 B.A. The first four are Bengalis and one is a Madrasi.

EMPLOYMENT OF SIKHS IN CERTAIN SPECIFIED DEPARTMENTS.

320. *Sardar Kartar Singh : (a) Is it a fact that ever since their establishment no Sikh has been recruited (permanently) in the following offices :

- (1) Accountant General, Railways,
- (2) Director General, Posts and Telegraphs.
- (3) Commerce Department,
- (4) Public Works Department, and
- (5) Director General of Archaeology ?

(b) How many Punjabis are working in each of these offices at present and how many of them are Sikhs ?

(c) Do the Government propose to see that a full share of representation in these offices is given to Sikhs also ?

The Honourable Sir Basil Blackett : (a) (1) No.

(2) Yes : the main portion of this office is located in Calcutta where no Sikhs have yet applied.

(3) Yes.

(4) No.

(5) Yes. I understand an offer made was declined.

(b) Of the 9 Punjabis working in the office of the Accountant General, Railways, 2 are Sikhs. In the remaining offices (2) to (5) above—the number of Punjabis are 8, 18, 21, and 6 respectively, none of whom is a Sikh.

(c) The question whether the policy of communal representation can suitably be applied to the Government of India Secretariat is under consideration.

EMPLOYMENT OF SIKHS IN THE INDIAN METEOROLOGICAL DEPARTMENT.

321. ***Sardar Kartar Singh :** (a) What is the total number of Punjabis employed in the Indian Meteorological Department and how many of them are Sikhs ?

(b) How many vacancies occurred during the last six months and by whom (showing in provincial and sectional order) have they been filled up, giving their qualifications ?

(c) Were there any Sikh candidates among the applicants ? If so, what were their educational qualifications and why were they rejected ?

(d) Do the Government propose to see that out of appointments allotted to Punjabis in each of the offices an adequate number is allotted to Sikhs ?

The Honourable Sir Bhupendra Nath Mitra : (a) 45 Punjabis are employed on the permanent clerical establishment in the Simla Meteorological Office of whom one is a Sikh.

(b) One permanent vacancy of a lower division clerk occurred during the past six months in which a Punjabi Hindu whose previous appointment had been abolished as a measure of retrenchment was re-employed. He is a Matriculate of the Punjab University and had about 3 years' permanent service to his credit.

(c) No.

(d) The question of extending to the Government of India Secretariat and its attached and subordinate offices the policy which has been adopted to secure a measure of communal representation in the All-India Services is under the consideration of the Government of India.

OFFICER ENTITLED TO PRESIDE AT MEETINGS OF THE CANTONMENT BOARD, JUBBULPORE, DURING THE ABSENCE OF THE COMMANDING OFFICER.

322. ***Sir Hari Singh Gour :** (a) Is it a fact that Colonel Beach as Commanding Officer of the Jubbulpore Cantonment is the President of the Cantonment Board, Jubbulpore ?

(b) Is it a fact that Mr. J. P. Roy was elected Vice-President of the Jubbulpore Cantonment Board ?

(c) If so, is it a fact that during the absence of Colonel Beach on at least two occasions, the senior military officer presided at the meeting of the Cantonment Board in spite of the presence of the duly elected Vice-President ?

(d) Is it a fact that the Vice-President wrote both to Colonel Beach and the Deputy Commissioner, Jubbulpore, complaining of his supersession, and is it a fact that both these officers have replied to the effect that in the absence of the Commanding Officer, the next senior officer automatically became the Commanding Officer of the station and as such he had the authority to preside at the meeting of the Cantonment Board ?

Mr. H. Tonkinson : I am making inquiries into the matter and will let the Honourable Member know the result as soon as possible.

OFFICERS ENTITLED TO PRESIDE AT MEETINGS OF CANTONMENT BOARDS DURING THE ABSENCE OF THE COMMANDING OFFICERS.

323. ***Sir Hari Singh Gour :** (a) Will the Government be pleased to state whether a Commanding Officer of a Cantonment ceases to be its Commanding Officer merely because he happens to be temporarily absent from the station ?

(b) If the answer to the above be in the negative, will the Government be pleased to state under what rule or law a senior officer acting for the Commanding Officer becomes entitled to preside at meetings of the Cantonment Board ?

Mr. E. Burdon : (a) The answer is in the affirmative.

(b) This does not arise.

INCREASE IN THE GOLD STANDARD RESERVE DURING THE PAST TWELVE YEARS.

324. ***Syed Majid Baksh :** Will the Government be pleased to state :

(a) What was the amount of the Gold Standard Reserve on April 30th, 1913 ?

(b) What was the amount on April 30th, 1925 ?

(c) The amount of increase in the past twelve years ?

The Honourable Sir Basil Blackett : (a) £22,657,776.

(b) £40,202,537.

(c) £17,544,761.

GOLD STANDARD RESERVE.

325. ***Syed Majid Baksh :** (a) Is the whole of the amount of the Gold Standard Reserve deposited in India or in England or partly in India and partly in England ?

(b) Is the accumulation due to remittances over and above the annual remittances commonly known as the " Home charges " ?

(c) Does the amount represent permanent transfer of money from India to England ? If not, when do the Government wish to retransfer it back to India ?

The Honourable Sir Basil Blackett : (a) The Reserve is wholly held in England at present.

(b) The Reserve in England was in the first few years of its constitution built up by actual shipments of gold from India but since 1905, remittances for the purpose of adding the profits on coinage to the Reserve have been made by means of the sale of council drafts over and above the requirements to meet the "Home charges".

(c) The Honourable Member, I am afraid, has not understood the purposes of the Reserve. Under normal conditions of a stable exchange, the Reserve is maintained for the purpose of being transferred to India during periods of exchange weakness by sales of sterling in exchange for rupees and retransferred to England by sales of rupees in exchange for sterling when exchange resumes strength.

CONTROL OF THE FLUCTUATION OF THE RUPEE.

326. ***Syed Majid Baksh :** (a) When are the Government going to control the fluctuation of the rupee to India's advantage by creating trade conditions favourable to India ?

(b) Is the amount of the Gold Standard Reserve deposited in fixed deposit or on current accounts ?

(c) What is the rate of interest obtained by the investment ?

(d) What is the rate of interest paid by well reputed banks in London, e.g., the Bank of England, for similar deposits ?

The Honourable Sir Basil Blackett : (a) The question is not understood.

(b) Except for a small amount of cash at the Bank of England, the Reserve is invested in sterling securities.

(c) I would refer the Honourable Member to the quarterly statements of the transactions of the Reserve published in the Gazette of India.

(d) I would refer the Honourable Member to the table headed "London rates" in the section "Banker's Gazette" in the London *Economist* copies of which will be made available, if desired. I may add that the general rule of the Bank of England is that no interest is paid on money deposited with it.

EXPENDITURE INCURRED IN CONNECTION WITH THE VISIT OF HIS EXCELLENCY THE VICEROY TO ENGLAND.

327. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state :

(a) the expenses incurred on account of the acting arrangements made in this country by reason of the absence on leave of His Excellency the Governor General and Viceroy of India ?

(b) expenses of the journey of His Excellency the Viceroy from India to England and from England to India ?

The Honourable Sir Alexander Muddiman : (a) The only expenses incurred on account of acting arrangements in India by reason of the absence of His Excellency the Viceroy are the leave allowances of His Excellency, namely, Rs. 24,000.

(b) Approximately Rs. 40,000.

DEPORTATION OF HAFIZ SAID AHMAD FROM BALUCHISTAN.

328. *Khan Bahadur Sarfaraz Hussain Khan : With reference to Government reply to the starred question No. 828 asked in the Legislative Assembly on the 10th February 1925 regarding the deportation of Hafiz Said Ahmad from Baluchistan, will the Government be pleased to state :

- (a) if they have received the information from the local Administration ?
- (b) if so, will they please communicate the result to the House ?

Sir Denys Bray : The information was duly received from the local Administration and communicated to the questioner in a letter, a copy of which is laid on the table. Government understand that the Hafiz has since returned to Quetta and that the Anjuman has restored him to the Imamship on his assurance that he would conduct the duties of his office properly in future.

No. D-403-F.

FROM

THE DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA
IN THE FOREIGN AND POLITICAL DEPARTMENT,

TO

MR. C. S. RANGA IYER, M.L.A.,
1, Ferozeshah Road,
Raisina, Delhi.

Dated Delhi, the 24th February, 1925.

SIR,

With reference to the reply given in the Legislative Assembly to your question No. 828, I am directed to inform you as follows :

Hafiz Said Ahmed was the Imam and Mutwali of the Juma Masjid in Quetta. He served as a nominated member of the Quetta Municipality for many years and represented the Muslim community at the Coronation Durbar in 1911. He owns considerable landed property in Quetta and, as Imam, enjoyed a jagir of Rs. 50 per annum.

In the early part of 1924, he appears to have lost the confidence of the Muslim community who pressed him to resign his office, alleging immoral and improper conduct, particularly in the public conversion of Hindus and the abetment of the publication in his mosque of an obscene libel on the Hindu religion. Accordingly a delegation of the Managing Committee of the Quetta Anjuman Islam waited on him and as a result of their representation the Hafiz yielded to pressure and left Baluchistan. He was not deported by order of the local Administration.

Among the deputation were several Government officials. Of their actions in a private capacity, however, Government can take no notice executively. The legal remedy is in the Hafiz's hands.

Government has never prevented the return of the Hafiz and he is at entire liberty to do so. A warning, however, has been conveyed to him that Government would not tolerate any further attempt to create communal tension.

I have, etc.,

(Sd.) A. E. B. PARSONS,

Deputy Secretary to the Government of India.

PORTS OPEN FOR THE PILGRIM TRAFFIC.

329. *Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government reply to the supplementary questions to the starred question No. 861 asked in the Legislative Assembly on the 16th February 1925 regarding "Ports open for the Pilgrim Traffic", will the Government please state if they have come to a decision ?

(b) If so, will they please communicate the result to the House ?

Mr. J. W. Bhole : (a) and (b). The Government of India hope to open the Port of Calcutta for the Hedjaz pilgrim traffic with effect from the next pilgrim season if circumstances require it.

Mr. K. Ahmed : Sir, is the Honourable Member aware that the Government have been promising the same for the last four or five years, before the arrival of the Honourable Member in this Assembly ?

Mr. J. W. Bhole : I would like notice of that question. (Laughter).

INDIAN PILGRIMS TO THE HEDJAZ.

330. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government please state :

(a) the number of Indian pilgrims (Hajees) that embarked from the Indian ports during the last Haj season ?

(b) the number that have returned to India so far ?

(c) the difficulties they had to suffer and the inconveniences they were put to, if any, during the last Haj season compared with their difficulties and inconveniences during the previous Haj seasons when they had to land at the Port of Jeddah ?

Mr. J. W. Bhole : (a) 1,086.

(b) The Government of Bombay have been asked for the information and it will be supplied to the Honourable Member as soon as it is received.

(c) Government have not yet received the report of the special officer whom they sent to Rabigh and are not therefore in a position yet to compare this year's Haj with the pilgrimage of previous years.

Khan Bahadur Sarfaraz Hussain Khan : Sir, may I inquire when this report will be written ?

Mr. J. W. Bhole : I cannot inform the Honourable Member but I know that the officer will submit it at the earliest possible moment.

Khan Bahadur Sarfaraz Hussain Khan : Before the next season ?

Mr. J. W. Bhole : Yes, I am certain of that.

CLOSING OF THE TELEGRAPH OFFICE AT IDAIYAKHOTTAI IN THE MADURA DISTRICT.

331. *Khan Bahadur Sarfaraz Hussain Khan : (a) Has a memorial, dated Madras, the 6th July, 1925, on behalf of the residents of Idaiya-

khottai and the surrounding villages in Madura and Trichy Districts over the signature of S. Mohammad Meera been submitted to His Excellency the Governor General of India in Council regarding " Post and Telegraph Office in the town opened under a guarantee given by some of the prominent citizens " ?

(b) If so, will the Government please state if the statements made in paragraphs 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the memorial are correct ?

(c) If correct, do they propose to consider the matter and give direction to retain the telegraph office referred to in the memorial without closing the same ?

Mr. G. P. Roy : With your permission, Sir, I propose to reply to questions Nos. 331, 342 and 363 together. A memorial was received on the 18th July 1925 from the residents of Idaiyakhottai in the Madura District asking that the telegraph office there should not be closed. The telegraph office has not yet been closed, and I have asked the Postmaster General for a report on the subject. When that report has been received the question of retaining the telegraph office will be considered. Until it is received I have not the information which would enable me to answer the remaining points raised in these questions.

POSITION OF THE LOWER MIDDLE BERTHS IN SECOND CLASS COMPARTMENTS.

332. ***Khan Bahadur Sarfaraz Hussain Khan :** With a view to removing the inconvenience felt by the travelling public, will the Government be pleased to direct the railway authorities that in future the lower middle berths in the second class compartments be removed and put adjacent to the doors just as they exist on the Bengal and North-Western and other Railways ?

Mr. G. G. Sim : Government are not aware of the inconvenience referred to and do not propose to take any action. The different arrangement of berths is due to the difference in the gauge.

ISSUE OF FIRST AND SECOND CLASS RETURN TICKETS BETWEEN PATNA JUNCTION AND OTHER STATIONS ON THE EAST INDIAN RAILWAY.

333. ***Mr. Gaya Prasad Singh :** (a) Is it not a fact that the system of issuing first and second class return journey tickets at reduced rates, between certain stations on the East Indian Railway, has been resumed ?

(b) If so, since when ? Why are such tickets not available at Patna Junction [E. I. Ry.] to any other station ?

Mr. G. G. Sim : (a) Yes.

(b) From 1st May 1925. Government understand that the Railway Administration has decided to confine the experiment, for the present, to bookings from Howrah to certain selected stations only.

OPENING OF BOOKING OFFICES ON THE BENGAL AND NORTH WESTERN RAILWAY FOR CONTINUOUS BOOKING.

334. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that there is a standing circular of the Bengal and North Western Railway to keep the Booking Offices for third class passengers open day and night for continuous

booking at all stations, or at least at important stations? If so, are Government aware that this rule is honoured more in the breach than in the observance?

(b) Are Government aware that booking offices for third class passengers are not being opened for issuing tickets sufficiently before the arrival of trains and that the passengers, specially women and children, are put to immense trouble and inconvenience during the scramble at the booking office windows, with the result that many passengers miss the trains for want of tickets?

(c) Do the Government propose to call upon the railway administration to see the booking offices are kept open for continuous booking?

Mr. G. G. Sim : (a) The Honourable Member is referred to the current time table of the Bengal and North Western Railway which shews that at six important stations booking offices are kept open day and night and at all other stations they are opened one hour before a train is timed to arrive. As regards the second part, Government have no information.

(b) Government are not aware of this.

(c) Government are not prepared to issue orders in the sense suggested.

CENSURE PASSED ON THE CLAIMS DEPARTMENT OF THE OUDH AND ROHILKHAND RAILWAY BY THE SESSIONS JUDGE OF MORADABAD.

335. ***Mr. M. K. Acharya :** 1. With reference to my unstarred question No. 209, dated the 28th February, 1925, will the Government be pleased to state whether in the case referred to of King Emperor *vs.* Abdul Bari, the Sessions Judge of Moradabad censured the Claims Department and the District Traffic Superintendent in charge of it?

2. Will the Government be pleased to state whether the High Court at Allahabad on appeal endorsed this censure?

3. If the answer to the above two questions be in the affirmative, will the Government be pleased to state how far their reply to my question No. 209, (a) given on the 28th February, 1925, was fair and correct, namely, that "no remarks were made against the conduct of the District Traffic Superintendent Claims by the Sessions Judge and by the High Court".

4. (a) The Government have seen the report of the Agent on the

(a) whether any investigation into the conduct of the Claims Department as recommended by the Sessions Judge in the case of King-Emperor *vs.* Abdul Bari has been made, so as to make sure in the words of the High Court "that everything was right in the circumstances"?

(b) whether the Government will be pleased to lay on the table the proceedings of such investigation, if any?

(c) what length of service in the Railway has been put in by the District Traffic Superintendent Claims Department under reference?

(d) whether he has been since granted an extension of service for two years?

Mr. G. G. Sim : 1, 2 and 3. These questions have already been answered in substance. The Honourable Member knows very well that the High Court stated that "there seems to be absolutely no reason to suppose that there was any dishonest motive which actuated the Claims Department in adopting the course which they did adopt".

4. (a) The Government have seen the report of the Agent on the case. No other investigation has been made.

(b) They are not prepared to lay the Agent's letter upon the table.

(c) This question has already been answered on the 28th February 1925.

(d) No. After inquiry it has been discovered that the officer's age had been wrongly entered in the service register and the entry has been rectified.

RESOLUTION re GRIEVANCES OF SUBORDINATE RAILWAY EMPLOYEES.

336. ***Mr. M. K. Acharya :** Will the Government be pleased to state :

(a) What action they have taken or propose to take on the Resolution adopted by the Legislative Assembly without a division on the 5th February 1925, recommending an inquiry into the grievances of subordinate railway employees by the Central Advisory Committee for Railways ?

(b) what the terms of the inquiry are or are likely to be ?

(c) when the result of this inquiry is likely to be known ?

The Honourable Sir Charles Innes : (a), (b) and (c). The Government of India are not in agreement with the Resolution referred to by the Honourable Member and do not propose to initiate the enquiry suggested in that Resolution. They have drawn the attention of Railway Administrations to the debates not only on the Resolution, but also on the Budget, and they have no doubt that any genuine grievances which exist will be remedied by the Railway Administrations concerned.

Mr. M. K. Acharya : In the case of Resolutions adopted without a division, is there no understanding that action will be taken upon them ?

The Honourable Sir Charles Innes : I think the Honourable Member will remember that I opposed the Resolution both in my first speech and in my second speech.

Dr. K. G. Lohokare : Does the Honourable Member remember that he gave an undertaking that the Railway Advisory Council would deal with the matter ?

The Honourable Sir Charles Innes : I gave no such undertaking.

Khan Bahadur W. M. Hussanally : Will the Government please state if they are going to have a departmental inquiry instituted.

The Honourable Sir Charles Innes : No, Sir.

CONSTRUCTION AND MANAGEMENT OF DISTRICT BOARD RAILWAYS IN SOUTH INDIA.

337. *Mr. M. K. Acharya : Will the Government be pleased to state :

- (a) what were the matters discussed at the Conference held in the month of July at Ootacamund between the Government of Madras, the Agents of the South Indian and the Madras and Southern Mahratta Railways and Mr. G. G. Sim ?
- (b) and what were the conclusions arrived at at the said Conference with regard to the question of the construction and management of District Board Railways in South India ?

Mr. G. G. Sim : (a) The main questions discussed were the future position of District Board Railways in the Madras Presidency and the programme of railway development in Southern India.

(b) The Honourable Member is referred to the answer given to Mr. Rangaswami Iyengar's question the other day.

INDIAN DELEGATES TO THE INTERNATIONAL CONFERENCE ON RAILWAYS HELD IN LONDON.

338. *Mr. M. K. Acharya : Will the Government be pleased to state :

- (a) the names and antecedents of the delegates who represented the Government of India at the last International Railway Conference held in London ?
- (b) the work done by these Indian delegates in the Conference relating to Railways in India ?
- (c) the expenditure incurred by the Government in sending these delegates to the said Conference ?

Mr. G. G. Sim : (a) The following officers represented the Government of India :

- (1) Sir Clement Hindley, Chief Commissioner of Railways.
- (2) Sir Ernest Bell, Government Director of Indian Railway Companies, India Office, London.
- (3) Mr. A. J. Chase, Director of Mechanical Engineering, Railway Board.
- (4) Mr. N. D. Calder, Officiating Traffic Manager, Eastern Bengal Railway.
- (5) Mr. B. G. Smith, District Traffic Superintendent, North-Western Railway.

(b) Government have no information, but the Bulletin of the International Railway Congress when published will contain the proceedings.

(c) All delegates except Sir Ernest Bell were in England on leave at the time of the Congress. They were granted a subsistence allowance of 25s. a day reducible to 15s. a day after 14 days continuous residence in one place. Free passes for travelling were provided for the delegates by the Congress authorities.

ELECTRIFICATION OF THE LINE BETWEEN MADRAS BEACH AND TAMBARAM ON THE SOUTH INDIAN RAILWAY.

339. ***Mr. M. K. Acharya** : Will the Government be pleased to state :

- (a) in what stage the proposal now is to electrify the line between Madras Beach and Tambaram on the South Indian Railway :
- (b) about what date the work will be completed by the South Indian Railway Company : and
- (c) whether the Government are aware of the great hardships to which the suburban traffic in Madras is put on account of the congestion and inconvenience caused by the present state of things ?

Mr. G. G. Sim : (a) to (c). Proposals and estimates for the provision in three stages of improved facilities in the Madras Suburban area served by the South Indian Railway have recently been received. These proposals are for the provision of additional lines as well as for electrification. They are at present being examined.

CONVERSION OF THE LINE BETWEEN ERODE AND TRICHINOPOLY ON THE SOUTH INDIAN RAILWAY INTO BROAD GAUGE.

340. ***Mr. M. K. Acharya** : Will the Government be pleased to state :

- (a) whether there was a proposal to convert the line between Erode and Trichinopoly on the South Indian Railway into broad gauge : and
- (b) if the answer be in the affirmative, when the work of converting the line into broad gauge will be begun by the South Indian Railway Company ?

Mr. G. G. Sim : (a) Yes.

(b) The work has been sanctioned and has been taken in hand.

ALLEGED INSULT OFFERED TO MR. P. N. MARTHANDAM PILLAI, M.L.C., BY THE STATION SUPERINTENDENT OF EGMORE, SOUTH INDIAN RAILWAY.

341. ***Mr. M. K. Acharya** : (a) Has the attention of the Government been drawn to the report published in the April number of the *Indian Railway Magazine* at page 176, regarding the insult offered to Mr. P. N. Marthandam Pillai, M.L.C. by the Station Superintendent of the Egmore railway station on the South Indian Railway ?

(b) What action do the Government propose to take in the matter ?

(c) Are the Government prepared to address the South Indian Railway Administration on the subject ?

Mr. G. G. Sim : (a) Government have seen the report referred to.

(b) and (c). Inquiry is being made and the Honourable Member will be informed of the result in due course.

CLOSING OF THE TELEGRAPH OFFICE AT IDAIYAKOTTAI IN THE MADURA DISTRICT.

†342. ***Diwan Bahadur M. Ramachandra Rao** : (a) Will the Government be pleased to state whether any memorial has been submitted to the Government of India by the residents of Idaiyakottai in the Madura

† For answer to this question, see answer to question No. 331.

District objecting to the proposals for the closing down of the telegraph office at that place ?

(b) Are the Government prepared to give favourable consideration to the memorial and to order that the said office should be continued ?

DECISIONS ARRIVED AT ON THE VARIOUS POINTS URGED BY THE DEPUTATION OF THE ALL-INDIA POSTAL AND R. M. S. UNION.

343. ***Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to state whether any, and if so, what decisions have been reached by the Government in regard to the various points urged by the deputation of the All-India Postal and R. M. S. Union in March last ?

The Honourable Sir Bhupendra Nath Mitra : I regret I am not in a position to make any statement on the subject at present as several important matters are still under consideration. I hope to be able to make a statement early in the Delhi Session of the Assembly.

NUMBER OF NEW POST OFFICES OPENED IN INDIA.

344. ***Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to place on the table a statement of new Post Offices opened in each District of each province in 1924-25 and 1925-26 ?

Mr. G. P. Roy : A statement giving the information which the Honourable Member wants is being compiled and will be sent to him.

RECOMMENDATIONS OF THE POSTS AND TELEGRAPHS DEPARTMENTAL COMMITTEE, 1924-25.

345. ***Diwan Bahadur M. Ramachandra Rao** : (a) Will the Government be pleased to state whether any decisions have been reached in regard to the various recommendations made in the Report of the Posts and Telegraphs Departmental Committee, 1924-25 ?

(b) Will the Government be pleased to place on the table a statement of their orders in regard to the various recommendations made by the said Committee, and summarised in paragraphs 170 and 171 of the Report ?

The Honourable Sir Bhupendra Nath Mitra : I would refer the Honourable Member to the reply which I have given to Mr. Rama Aiyangar's unstarred question No. 75.

AGRICULTURAL INDEBTEDNESS.

346. ***Mr. Jamnadas M. Mehta** : (a) Will Government be pleased to state whether they have any authoritative report by a responsible official of theirs on the question of agricultural indebtedness in the country or in any particular province or in any particular district ?

(b) If so, will they be pleased to place it on the table ?

Mr. J. W. Bhore : (a) and (b). The answer is in the negative. The question does not therefore arise in (b).

COST OF COAL AT PIT'S MOUTH IN RAILWAY COLLIERIES.

347. *Mr. Jamnadas M. Mehta : (a) Will Government be pleased to state whether they have read the complaint of the Indian Mining Federation as to the cost of coal at pit's mouth in railway collieries ?

(b) Have they taken any steps to inquire into this question ?

(c) If so, what are the results ?

(d) Will they be pleased to lay on the table a copy of the departmental report on the subject, if any ?

The Honourable Sir Charles Innes : (a) Yes ; it formed part of a letter addressed to the Secretary of the Railway Board.

(b), (c) and (d). A reply to that letter is being prepared and will be published in due course.

JAPANESE COMPETITION WITH THE INDIAN TEXTILE INDUSTRY.

348. *Mr. Jamnadas M. Mehta : (a) Have the complaints by the textile industry of this country about Japanese competition reached Government ?

(b) Will Government be pleased to state what they propose to do about them ?

The Honourable Sir Charles Innes : (a) Yes.

(b) The Honourable Member's attention is directed to the reply given by His Excellency the Viceroy to the deputation of the mill-owners, a report of which has appeared in the Press.

INDUCEMENT TO THE TEXTILE INDUSTRY TO SUPPORT IMPERIAL PREFERENCE.

349. *Mr. Jamnadas M. Mehta : (a) Is it true that responsible Government officials have tried to induce the textile industry to support Imperial Preference as the *sine qua non* of any assistance from Government ?

(b) If so, will Government indicate why such an attempt was made behind the back of this Assembly to push forward the said doctrine ?

The Honourable Sir Charles Innes : (a) No.

(b) Therefore does not arise.

STABILITY OF PRICES IN INDIA.

350. *Mr. Jamnadas M. Mehta : (a) Will the Government be pleased to state the latest figures available to them of the course of prices in India indicating export commodities from the time that the exchange was near £0-1-3 to the present date ?

(b) Will the Government be pleased to state in what way the course of wholesale prices for individual commodities justify the claim made by the Finance Member that he is working up for the stability of prices in India ?

The Honourable Sir Basil Blackett : (a) I would refer the Honourable Member to the Indian Trade Journal published by the Department

of Commercial Intelligence and Statistics and to the Labour Gazette published by the Labour Office of the Government of Bombay.

If the Honourable Member studies these statistics with care and impartiality and compares them with the index numbers of wholesale prices in the United Kingdom and the United States of America, he will gratefully recognise the success of the Government of India's policy in endeavouring to secure for India the benefit of comparative stability in prices during the period when exchange was rising from 1s. 3d. to 1s. 6d., which may be taken to cover the four years 1921 to 1924, a period when world prices and exchanges were fluctuating somewhat violently. There have naturally been considerable fluctuations in the prices of individual commodities, and I have no doubt that further adjustments of appreciable extent are still to come since the process of readjustment as between one price and another is not yet complete. But even as regards individual commodities the Honourable Member will find that the fluctuations have been relatively less violent in India than elsewhere.

Mr. Jamnadas M. Mehta : Am I permitted, Sir, to reply to the speech of the Honourable the Finance Member ? It is no answer, and I suggest that he should give an answer and not refer me to the Labour Gazette or the Trade Journal, which I read with great impartiality.

Mr. President : If you desire to put a supplementary question, you can do so.

Mr. Jamnadas M. Mehta : I want the Honourable the Finance Member to answer my question without referring to the Trade Journal and the Labour Gazette.

Mr. President : The Honourable Member has already answered the question. If you wish to ask a supplementary question, you are perfectly entitled to do so.

Mr. Jamnadas M. Mehta : That is the supplementary question, Sir.

The Honourable Sir Basil Blackett : I think the answer must be that the original question invited the answer which it got.

UNEMPLOYMENT IN INDIA.

351. ***Mr. Jamnadas M. Mehta :** (a) Will Government be pleased to state if they have any estimate of the extent of unemployment in India ?

(b) Is it true that Sir Atul Chatterji is responsible for a statement at the Geneva Labour Conference that there was no unemployment in India ?

(c) Have complaints reached Government with regard to the weakness of industry against foreign competition in every direction ?

(d) Will Government be pleased to state whether it is their intention to delegate a special officer or appoint a committee to consider this matter and to find some more or less permanent solution for mitigating the evil ?

The Honourable Sir Bhupendra Nath Mitra : (a) Government are not in possession of accurate statistical information on the subject.

(b) No. I would invite the Honourable Member's attention to the reply given by Sir Atul Chandra Chatterjee to Mr. Devaki Prasad Sinha's question No. 1685 on the 8th September 1924.

(c) and (d). The answer is in the negative. The position of particular industries has been and is being examined by the Tariff Board and Government do not see the necessity for a general inquiry.

Mr. Jamnadas M. Mehta : May I inform the Honourable Member that the reply given in 1924 is previous to the statement which is attributed to the Honourable Sir Atul Chatterjee and therefore it cannot be an answer to a subsequent issue which has been raised ?

The Honourable Sir Bhupendra Nath Mitra : Will the Honourable Member kindly let me know when the statement was made ? So far as I am aware, the statement is alleged to have been made in the Geneva Labour Conference which was held in 1924. The answer, therefore, is a complete answer.

Mr. Jamnadas M. Mehta : I do not think he was there in 1924.

Mr. A. Rangaswami Iyengar : I do not think he was there in 1924.

Mr. Gaya Prasad Singh : It was, I think, in 1925.

The Honourable Sir Basil Blackett : 1923.

Mr. Jamnadas M. Mehta : Will the Honourable Member verify the statement, Sir ?

The Honourable Sir Bhupendra Nath Mitra : I have already verified my statement before giving the answer.

Mr. Jamnadas M. Mehta : Then I must verify mine.

PRICES OF KEROSENE OIL.

352. ***Mr. Jamnadas M. Mehta :** (a) Will Government be pleased to state what measures they have taken to prevent price fixations against the consumer in India ?

(b) Are Government aware that there is a working agreement fixing the price of kerosene oil, which is consumed by the poor ?

(c) Has the Department of Commerce secured any information as to the actual cost to the various companies who supply kerosene oil in India ?

(d) If so, will a statement be laid on the table ?

(e) How does the average margin of profit kept by these companies compare with the tax which the Government have levied on kerosene ?

(f) To what extent has increased freight affected the prices of kerosene oil in centres of trade and population located away from the ports ?

The Honourable Sir Charles Innes : (a) and (b). The attention of the Honourable Member is invited to the reply given to him on the 30th January last. His attention is also invited to my speech on page 3060 of the official report of the Assembly Debates for 6th March 1923.

(c) No.

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

(f) To the extent of the increased freight.

PROTECTION OF INDIAN INDUSTRIES.

353. ***Mr. Jamnadas M. Mehta** : (a) Will Government be pleased to state how many industries wrote to the Commerce Department asking for protection ?

(b) How many of these were referred to the Tariff Board ?

(c) How many did the Tariff Board deal with ?

(d) In how many was protection recommended ?

(e) What has been the cost so far of maintaining the Tariff Board from the time of its constitution ?

The Honourable Sir Charles Innes : (a) The Honourable Member is referred to the statement laid on the table on 24th February 1925 in answer to a question asked by Mr. Goswami. Since that date one more request for protection has been received, namely, for the manufacture of denatured spirit, and one more complaint about tariff inequalities.

(b) and (c). Of the fifteen definite requests for protection seven have been referred to and reported upon by the Tariff Board and fourteen tariff complaints have been referred to them.

(d) Four, the recommendation being conditional in one case. In a fifth case the Board while not recommending protection have suggested an increase in the duty on the imported article with a view to removal of a disability from which the industry suffers under the existing tariff.

(e) The estimated expenditure up to the end of the current financial year is 5.65 lakhs.

PURCHASE OF CONTINENTAL STEEL BY GOVERNMENT OFFICIALS.

354. ***Mr. Jamnadas M. Mehta** : (a) Will Government be pleased to state whether it is true that Government officials are purchasing Continental steel of British specification, which comes cheaper than British steel or Tata steel ?

(b) Are the Indian Stores Inspectors instructed to accept such steel, and, if so, what is the machinery by which they do the testing ?

(c) Are test certificates emanating from the Continent or from the British Isles for steel of Continental origin as to British standard specification accepted by Railways and Government Departments ?

(d) What steps are taken by Government to see that finished articles in the manufacture of which steel enters and which are imported from the United Kingdom do not contain steel of Continental origin ?

The Honourable Sir Bhupendra Nath Mitra : (a) When the purpose for which the steel is to be used is of particular importance, it is usual to specify steel in accordance with British standard specifications. The actual origin of steel purchased, provided it is up to the required specification, is not taken account of except in so far as a preference may be given to steel of Indian manufacture under the Stores Purchase Rules. For unimportant work, for instance, simple shedding, steel of any origin is accepted : generally, in such cases, Continental steel receives preference on the score of price.

(b) Inspectors are guided entirely by the orders as placed by the purchasing authorities. Inspection is directed in the first place to

weight and measurement, and then to the physical quality of the steel which is determined by laboratory tests conducted (in the case of the Indian Stores Department) by officers independent of the Inspector, or occasionally by the Inspector on local testing machines where these are available.

(c) As a general rule, only test certificates furnished or endorsed by the Consulting Engineers to the Government of India, or by the Metallurgical Inspector at Jamshedpur, are accepted.

(d) Steel of continental origin is not discriminated against in the manner suggested in the question provided the finished articles pass the usual tests which when necessary are applied as indicated in the reply under head (c).

REPORT ON THE ALUMINIUM TRADE AND INDUSTRY.

355. ***Mr. Jamnadas M. Mehta :** (a) Will the Government of India be pleased to state if they received any requisition from a British Chamber of Commerce for a report on the aluminium trade and industry in India ?

(b) If so, did the Government appoint a special officer to prepare such a report and supply the same to the Chamber of Commerce concerned ?

(c) If the reply to (b) be in the affirmative, will the Government of India be pleased to state the name of the special officer appointed and of the British Chamber, and to place a copy of such report on the table for the information of the Members of this House ?

The Honourable Sir Charles Innes : (a) No such requisition can be traced ; (b) and (c) therefore do not arise.

ADVERTISEMENT FOR A EUROPEAN WATCH MAKER FOR THE EAST INDIAN RAILWAY WATCH AND CLOCK SHOP AT JAMALPUR.

356. ***Mr. Jamnadas M. Mehta :** (i) Has the attention of Government been drawn to an advertisement appearing in the *Englishman* of 27th July 1925 for a European watch maker for the East Indian Railway Watch and Clock Shop at Jamalpur ?

(ii) Will Government explain why this post should have been open only to a European and why even a qualified Indian should be deliberately excluded ?

(iii) Are Agents of State Railways authorised to set up racial barriers ?

(iv) If not, are Government prepared to take any action in the matter ?

Mr. G. G. Sim : (i) Government have seen the advertisement referred to.

(ii), (iii) & (iv) On the attention of the Agent being drawn to the matter a revised advertisement was put in the newspapers and no selection will be made until replies to this advertisement have been received.

Mr. Jamnadas M. Mehta : Was any explanation asked for from the Agent for putting in such an advertisement ?

Mr. G. G. Sim : Yes, Sir. The Agent explained that it was entirely due to the inadvertence of a clerk who inserted the advertisement and put in the word "European" as the present occupant happened to be a European. There is no intention whatsoever of preventing this post being Indianised.

Mr. Jamnadas M. Mehta : Watches did not refuse to function when handled by an Indian repairer ?

Mr. G. G. Sim : No.

GRANT OF SPECIAL RAILWAY FREIGHT CONCESSIONS TO NEW INDUSTRIES.

357. ***Diwan Bahadur M. Ramachandra Rao :** With reference to the recommendations made by the Indian Fiscal Commission that "within the limitations laid down by the Industrial Commission it is not unreasonable that special railway rates should be granted for a term of years to new industries and even to others if they can make out a proper case for special treatment", will the Government be pleased to state what action has been taken by the Government to give effect to these recommendations and generally to the policy recommended in paragraph 128 of the Report of the Indian Fiscal Commission ?

The Honourable Sir Charles Innes : The Honourable Member is referred to the answer given in this Assembly on 22nd September 1924 to question No. 447 asked by Seth Govind Das. In addition I may remind the Honourable Member that since it came into existence the Tariff Board has submitted three important reports on Steel, on Paper and on Cement, and the Honourable Member will find from these reports that all of these industries have been assisted by Indian Railways by the grant of special freight concessions. The Honourable Member will also find that special temporary freight concessions were given to assist the Magnesium Chloride industry. These instances will show that Indian Railways are fully alive to the necessity of fostering Indian industries.

Diwan Bahadur M. Ramachandra Rao : May I ask the Honourable Member whether any general inquiry has been undertaken as regards what further industries could be helped in the manner suggested by the Honourable Member ?

The Honourable Sir Charles Innes : No, Sir.

Diwan Bahadur M. Ramachandra Rao : What inquiry has been made ?

The Honourable Sir Charles Innes : None, Sir. It is left to particular industries to apply to the railway concerned and I can assure the Honourable Member that if the railway concerned thinks that it will get business by offering freight concessions it will give those concessions.

BANKING FACILITIES FOR THE INITIAL AND FOR THE CURRENT FINANCE OF INDUSTRIES.

358. ***Diwan Bahadur M. Ramachandra Rao :** (a) With reference to the recommendations contained in paragraph 292 of the Report of

the Indian Fiscal Commission " that an expert committee should be appointed at the earliest possible date to consider what additional banking facilities are necessary for the initial and for the current finance of industries ; what form of Government assistance control will be required to ensure their extension on sound lines as widely as possible throughout the country ; and whether there should be a provincial imperial scope or whether both these forms might not be combined in a group of institutions working together ", will the Government be pleased to state what action if any has been taken to give effect to the above recommendations ?

(b) If no action has been hitherto taken, do the Government propose to appoint without delay the committee suggested above ?

The Honourable Sir Basil Blackett : The Honourable Member is referred to the reply given by the Honourable Mr. Ley in the Council of State on the 16th July 1923 to question No. 23 by the Honourable Mr. Lalubhai Samaldas.

REDUCTION OF COAL FREIGHTS.

359. ***Diwan Bahadur M. Ramachandra Rao** : With reference to the observations of the Indian Tariff Board in paragraph 68 of its report on the cement industry that " industrial progress may be seriously retarded unless the freights on coal can be reduced substantially " and that " a general reduction of coal freights cannot be recommended until an inquiry is made in which both the needs of the industries and the cost of the concession are fully examined " have the Government undertaken such an inquiry into the question of the reduction of coal freights ?

The Honourable Sir Charles Innes : I must confess that I have had some difficulty in making out exactly what sort of inquiry the Tariff Board had in mind. I have made a reference to the President on the subject. In the meantime, I may say that the policy of the Railway Board always has been that coal should be carried at the lowest rates which are commercially possible, and I may remind the Honourable Member that since 1905, in spite of a very much greater increase in the operating expenses of Railways, we have only increased our railway freights on long distance coal by about 30 per cent. I have ascertained from the Railway Board that a reduction of about 10 per cent. in our existing railway freights for distances over 400 miles would cost more than Rs. 30 lakhs.

BOUNTIES FOR THE CEMENT INDUSTRY, ETC.

360. ***Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to state the approximate annual expenditure involved by the adoption of the scheme of bounties recommended in clauses 1, 2, 3 and 7 and the alternative scheme recommended in clause 5 of paragraph 84 of the Report of the Indian Tariff Board regarding the cement industry and also the additional revenue, if any, likely to be realised by the imposition of the specific duty recommended in clause 4 of paragraph 84 of the said report ?

The Honourable Sir Charles Innes : It is not possible to prepare an approximately correct estimate of the cost involved in the schemes of bounties recommended by the Tariff Board. The Honourable Member is however referred to paragraphs 74 and 75 of the Report which contain the Board's estimate of the maximum costs of the two alternative schemes. The specific duty of Rs. 9 per ton on cement proposed by the Board is equivalent to the existing *ad valorem* duty on the basis of the present tariff valuation of Rs. 60 per ton. It is not therefore expected by the Board to bring in any additional revenue.

REPLIES OF LOCAL GOVERNMENTS ON THE REPORT OF THE REFORMS
INQUIRY COMMITTEE.

361. ***Diwan Bahadur M. Ramachandra Rao :** Will the Government be pleased to state whether the Report of the Reforms Inquiry Committee, 1924, has been referred to the various Local Governments and, if so, will the Government be pleased to supply the Members of the Legislative Assembly with copies of the replies received from the Local Governments ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to my reply to Mr. Gaya Prasad Singh's question on the same subject.

RECOMMENDATIONS OF THE COAL COMMITTEE.

362. ***Diwan Bahadur M. Ramachandra Rao :** Will the Government be pleased to state what action if any, has been taken or is proposed to be taken in regard to the various recommendations made by the Coal Committee 1925, and whether it is proposed to bring the main recommendations of the Committee for consideration by the Assembly ?

The Honourable Sir Charles Innes : The office of the Coal Transportation Officer will be abolished with effect from the 1st October 1925 ; and the system of prepayment of freight on coal has been abolished from the 1st August 1925. The main recommendation of the Committee has been brought before the Assembly in the shape of a Bill to provide for the grading of coal and the grant of certificates for coal intended for export.

CLOSING OF THE TELEGRAPH OFFICE AT IDAIYAKOTTAI IN THE MADURA
DISTRICT.

†363. ***Mr. C. Duraiswami Aiyangar :** (1) Is it a fact that the telegraph office at Idaiyakottai in the Madura District of the Madras Presidency has been closed ? If so, what is the reason for the closing ?

(2) Is it a fact that a memorial in this connection was sent to the Government of Madras and the Government of India protesting against the closure ? If so, will the Government be pleased to state what action was taken on it ?

(3) Is it true that the said telegraph office was serving the needs of about 50,000 people and eighteen Zemin villages and seven Government villages ?

(4) Is it a fact that when the telegraph office was opened in 1913 some of the prominent residents of the place entered into a contract with the Secretary of State for India that they should guarantee against

† For answer to this question, see answer to question No. 331.

loss for a period of ten years and that after that period the office should be continued without a further guarantee ?

(5) Is it a fact that after the expiry of the said period the guarantors were again called upon to renew the guarantee for a fresh period of ten years ?

(6) Will the Government be pleased to order that the telegraph office may be continued even at some loss owing to a temporary trade depression ?

†364.

WHARFAGE AND DEMURRAGE CHARGES AT POONA, NASIK AND OTHER STATIONS ON THE GREAT INDIAN PENINSULA RAILWAY.

365. ***Dr. K. G. Lohokare** : Will Government be pleased to say :

- (a) What are the wharfage and demurrage charges and the time allowed for removal from the unloading of goods at Poona and Nasik and at other stations on the Great Indian Peninsula Railway ?
- (b) What considerations lead the Railway Company to lay down different rates ? If it is want of accommodation in the goods-sheds, do Government allow the Railways to treat their customers so rigorously rather than arranging to provide for proper accommodation ?
- (c) If the rates charged at Poona and Nasik represent a fair godown rent ?
- (d) What is the amount of such fees collected at Poona and Nasik for delay in delivery of goods during the period of three years—preceding and after the raising of the rates ?
- (e) If there are any arrangements by which persons belonging to places distant from the railway station to whom the goods are to be delivered are intimated the unloading of goods at Poona and Nasik, and if the time allowed free is considered sufficient in these cases ?
- (f) If Government and the railway authorities have received petitions from merchants at Poona and Nasik on behalf of mofussil traders praying for a consideration of such higher wharfage rates and if so what is the decision arrived at in this matter ?

Mr. G. G. Sim : (a) to (f). Inquiry has been made and a reply will be furnished to the Honourable Member in due course.

PROCEDURE IN SUITS AGAINST GOVERNMENT IN BOMBAY AND ITS EFFECT ON CLAIMS AGAINST THE GREAT INDIAN PENINSULA RAILWAY.

366. ***Dr. K. G. Lohokare** : Will Government be pleased to say :

- (a) If it is a fact that in the Presidency of Bombay, suits against the Government or public officers in their official capacity are to be instituted only in the Courts of the District

Judges, while in Bengal and Madras, such suits are heard and disposed of by Subordinate Judges too ; and if the above method of procedure is applicable to suits for claims against the Great Indian Peninsula Railway on its being transferred to Government management ; and

- (b) If Government are prepared to remove this hardship to the traders of the Bombay Presidency in cases of suits against the Great Indian Peninsula Railway for claims for damages ?

The Honourable Sir Alexander Muddiman : The answer to part (a) is in the affirmative. The matter is governed in the Bombay Presidency by section 32 of the Bombay Civil Courts Act, 1869 (XIV of 1869). This is, however, a subject which under the Devolution Rules concerns the Government of Bombay, and the attention of that Government has been drawn to certain recommendations made in regard to it by the Civil Justice Committee in Chapter 52, paragraph 5 of their Report.

PREMATURE RETIREMENT OF RAILWAY SERVANTS OWING TO PHYSICAL UNFITNESS.

367. ***Dr. K. G. Lohokare :** Will Government be pleased to say :

- (a) If there are any statistics available to show the number of premature retirements of railway servants on account of physical unfitness invaliding every year ?
- (b) If the Railways in India entertain persons in their employment only after a physical fitness examination and if they require of them such examination every year ?
- (c) If they will kindly inquire into the percentage of persons found physically unfit every year in each branch of the railway staff together with the periods of service of such invalidated employees and lay the figures on the table ?

Mr. G. G. Sim : (a) No.

(b) The reply to the first part of the question is in the affirmative. As regards the other part a Railway Administration can require an employee to be re-examined in regard to physical fitness whenever this may be considered necessary.

(c) The collection of the information asked for would entail an inordinate amount of labour and expense and the Government do not propose to ask Railway Administration to furnish it.

Dr. K. G. Lohokare : Is it because they will find some unhappy tales from that ?

Mr. G. G. Sim : No. It would not be worth the trouble.

POSTAL SAVINGS BANK RATE OF INTEREST.

368. ***Dr. K. G. Lohokare :** Will Government be pleased to say :

- (a) What considerations lead them to keep the Postal Savings Bank rate of interest lower than the rate of interest of the Imperial Bank Savings Bank account rate ?

- (b) If it be a fact that the Postal Savings Bank deposits are mainly from the smaller towns and villages, and the conduct of this branch of business by the Post Office is mainly for developing habits of thrift among and convenience of the poorer classes ?
- (c) What are the amounts of deposits in the Postal Savings Bank Accounts in India for each year from 1915 to 1925 ?
- (d) If they are prepared to give due consideration to this long standing difference of the prevailing rates of interests and the Postal-Savings Bank rate ?

The Honourable Sir Basil Blackett : (a) The Postal Savings Bank is designed for a class of persons which ordinarily has no dealings with any other form of banking institution and which generally looks to the Savings Bank more for safety than for profit.

(b) The object of Government in establishing Post Office Savings Banks is to provide a ready means for the deposit of savings and so to encourage thrift. Though no actual statistics are available, there is reason to believe that the main portion of deposits is obtained from depositors in the larger towns.

(c) I am laying on the table a statement showing the amount at the credit of depositors on the last day of each of the financial years 1914-15 to 1924-25.

(d) The Government of India have given the question their careful consideration and have decided not to raise the rate of interest on savings bank deposits at present.

Statement showing the amount at credit of depositors in the Post Office Savings Bank on the last day of each of the financial years 1914-15 to 1924-25.

				Rs.
1914-15	..	..	..	14,89,41,446
1915-16		..		15,32,13,985
1916-17			..	16,59,58,900
1917-18	..	..	..	16,58,51,882
1918-19		..	..	18,82,58,830
1919-20			..	21,34,90,402
1920-21				22,86,36,172
1921-22			..	22,26,32,895
1922-23			..	23,20,03,556
1923-24			..	24,78,94,874
1924-25	..		..	25,63,93,983

ISSUE OF DIPLOMAS TO MILITARY SUB-ASSISTANT SURGEONS ON RETIREMENT,
ETC.

369. *Dr. K. G. Lohokare : Will Government be pleased to say :

- (a) If the Military Medical Department have recently changed the rules of handing over the qualification diploma to Military Sub-Assistant Surgeons on their being discharged from the service ?
- (b) If the change is provided for by the agreement entered into with the Sub-Assistant Surgeons now in employ and with the pupils already under training ?
- (c) What considerations lead Government to introduce such penalties ?
- (d) If there are similar penalties for the similarly recruited Military Assistant Surgeons ?
- (e) If they are prepared to leave the present method of recruitment on long term service contract at the time of admitting a pupil to the training course and prefer an open recruitment after qualification ?

Mr. E. Burdon : (a) The existing regulations regarding the issue of diplomas to Sub-Assistant Surgeons on resignation after 7 years' service and on retirement have not been altered. But the rules affecting dismissed and discharged Sub-Assistant Surgeons have been amended in this respect. Their diplomas may, at the discretion of the Director General, Indian Medical Service, in consultation with the Director of Medical Services in India either be made over to them direct, or may in the alternative be forwarded to the Provincial Medical Council concerned, with a short statement giving the reasons why the diploma was not made over to the Sub-Assistant Surgeon direct.

(b) No, not specifically.

(c) Previously Government reserved to themselves the right to withhold diplomas in the case of Sub-Assistant Surgeons dismissed or removed from the service ; and the relaxation of procedure which I have just described amounts to the removal rather than to the introduction of a penalty.

(d) No.

(e) Government have recently found no occasion to re-examine the suitability of the methods at present in force ; but if the Honourable Member will furnish me separately with the reasons on which he bases his suggestion, I shall be glad to have the matter looked into.

Dr. K. G. Lohokare : May I put a supplementary question as regards (d) of the question ? Why should there be this difference between the Military Sub-Assistant Surgeons and the Military Assistant Surgeons ?

Mr. E. Burdon : The difference is one of very long standing and I have been unable to discover the reason why it was introduced.

Dr. K. G. Lohokare : Will Government be pleased to reconsider it ?

Mr. E. Burdon : Yes. I propose to do so in any case.

REVISED FIELD SERVICE INJURY AND DISABILITY PENSION RULES FOR
MILITARY SUB-ASSISTANT SURGEONS.

370. *Dr. K. G. Lohokare : Will Government be pleased to say :

- (a) When the revised field service injury and disability pension rules for Military Sub-Assistant Surgeons are expected as promised in replies to interpellations in this House last year ?
- (b) If they know that persons eligible for such pensions during the last five years have been awarded only the ordinary pensions, and their cases for extra pensions are yet awaiting decision ?

Mr. E. Burdon : (a) As soon as certain points raised by the Secretary of State have been satisfactorily settled.

(b) I am not sure to what persons the Honourable Member refers. Even under present rules, a Sub-Assistant Surgeon invalided on account of a disability due to field service receives a better pension than that earned by length of service alone. The only persons likely to have been restricted to their ordinary service pensions, even though invalided for disabilities attributable to field service, are those who have been so invalided five years or more from the date on which the disability was contracted. This restriction will, however, disappear when the new rules are issued.

COMPULSORY EARLY RETIREMENT OF SUB-ASSISTANT SURGEONS LENT TO THE
RAJPUTANA STATES.

371. *Dr. K. G. Lohokare : Will Government be pleased to say :

- (a) If they have received representations from Sub-Assistant Surgeons lent to the Rajputana States from the Government Medical Department praying for a consideration of orders for their compulsory early retirement ?
- (b) If the memorialists pray for—
 - (1) Retention in service until retirement or,
 - (2) Compensation for such early retirement or,
 - (3) Absorbing them into their original Department and retiring the surplus persons according to the new list, or
 - (4) Transferring them to any adjoining province ?
- (c) Which of these alternatives are Government pleased to sanction ?

Sir Denys Bray : (a) and (b). Yes.

(c) Government made every effort to provide continued employment for these Sub-Assistant Surgeons. In the comparatively few cases where those efforts have proved unsuccessful, there is no alternative but to follow the procedure provided for in Article 426 and the following Articles of the Civil Service Regulations for retirement on compensation pension.

Dr. K. G. Lohokare : Will Government recommend their being transferred to the adjoining provinces ?

Sir Denys Bray : Efforts to do so have already been made, but in certain cases, as I have said, they have proved unsuccessful.

†372.*

CASE OF DR. SUDHINDRA BOSE, LECTURER IN THE STATE UNIVERSITY OF IOWA.

373. ***Mr. C. S. Ranga Iyer :** Has the attention of the Government been called to the communication published in the *Leader* of August 1st under the title "The case of Dr. Sudhindra Bose, M.A., P.H.D.", lecturer in the State University of Iowa on page 8, columns 2 and 3 ?

REFUSAL OF PERMISSION TO DR. SUDHINDRA BOSE TO RETURN TO INDIA.

374. ***Mr. C. S. Ranga Iyer :** Is it a fact that Dr. Bose was refused permission to come to India to see his dying mother by the late Mr. Montagu ?

CASE OF DR. SUDHINDRA BOSE, LECTURER IN THE STATE UNIVERSITY OF IOWA.

375. ***Mr. C. S. Ranga Iyer :** (a) Was Dr. Bose given a passport to go to England in 1920 ?

(b) Was he able to secure a British visa on his American passport to go to London on his way to India ?

(c) Did the British Consul in Chicago assure Dr. Bose in writing that it would be quite easy for him to get the approval of the India Office to visit his mother in India ?

(d) Did the India Office repudiate this assurance of the British Consul ?

(e) Had Mr. Bose to return to America consequently ?

(f) Are the Government of India prepared to advise the India Office to compensate Dr. Bose for the losses ?

CASE OF DR. SUDHINDRA BOSE, LECTURER IN THE STATE UNIVERSITY OF IOWA.

376. ***Mr. C. S. Ranga Iyer :** (a) Is it not a fact that Dr. Bose made another attempt to come to India last year ?

(b) Did the British Consul ask Dr. Bose who could sign his name to add his thumb impressions to his application ?

(c) Is it required of every person in America proceeding to India ?

CASE OF DR. SUDHINDRA BOSE, LECTURER IN THE STATE UNIVERSITY OF IOWA.

377. ***Mr. C. S. Ranga Iyer :** (a) Is it a fact that the British Ambassador at Washington was informed in May, last year, by the Government of India that Dr. Sudhindra Bose might be granted permission to return to India ?

(b) Will the Government be pleased to lay on the table the communication addressed to the British Ambassador at Washington ?

(c) If not, why not ?

CASE OF DR. SUDHINDRA BOSE, LECTURER IN THE STATE UNIVERSITY OF IOWA.

378. *Mr. C. S. Ranga-Iyer : (a) Is it a fact that the British Consul on Dr. Bose's request to proceed to India laid down the law that the passport would be issued to Dr. Bose only when he furnished the British Consul with proof that Dr. Bose had " resumed British nationality " ?

(b) Are the Government aware that Dr. Bose was not a Britisher ?

(c) Are the Government further aware that Dr. Bose having lived in America for the last twenty years is an American citizen ?

(d) Will the Government be pleased to state why Dr. Bose is put to all these troubles ?

(e) Is he not a member of the teaching staff of one of the biggest Government Universities in the United States ?

The Honourable Sir Alexander Muddiman : With your permission I propose to answer the Honourable Member's six questions together.

Government had seen the communication in the *Leader* of 1st August. I invite the Honourable Member's attention to the replies given by me to Mr. K. K. Chanda's question No. 33 on 22nd January 1925 and to Mr. Gaya Prasad Singh's question No. 35 on the 25th August 1925. The facts of this case so far as they are known to Government are briefly as follows :

In 1920 Dr. Bose visited England on an American passport in the course of a world tour which he said he was making in order to prepare himself better for his work in the University of Iowa where he was employed as a lecturer. The Government of India are not aware whether the British Consul in Chicago gave Dr. Bose any assurance that the India Office would grant him a visa for a visit to India. While in England he applied for such a visa and the Secretary of State for India refused to grant it for reasons which he explained in the House of Commons as follows : Dr. Bose was a citizen of the United States of America ; he had renounced his British Indian nationality shortly after the outbreak of war ; he made no mention of his mother's state of health in his original application for a visa to travel, and the Secretary of State was not prepared to facilitate his return to India. The Government of India have no information of Dr. Bose's further movements at that time. Four years later, that is early in 1924, Dr. Bose again applied for a passport and permission to visit India. The British Ambassador at Washington was informed in May of that year that Dr. Bose might be granted an emergency certificate to permit him to return direct to India but should not be given a passport. It was considered inadvisable to grant him a British passport as a passport constitutes a proof of national status, and since the judgment of the Supreme Court of the United States of America in the case of *U. S. A. versus Bhagat Singh Thind* the national status of Dr. Bose was a matter of doubt. Subsequently Dr. Bose changed his plans and applied for a passport for a journey to France. The same objection was taken to the issue of a passport and the Ambassador was again informed that Dr. Bose might be granted an emergency certificate for a direct journey to India. Dr. Bose's difficulties are obviously due to his renunciation of his British Indian nationality and the decision of the Supreme Court

of the United States of America. There is no case for the grant to him of any compensation from Indian Revenues.

Mr. Gaya Prasad Singh : Had the Government of India any hand in inducing the Secretary of State to make that statement in the House of Lords, to which reference has been made by the Honourable the Home Member ?

The Honourable Sir Alexander Muddiman : Not at all.

DISMISSAL OF NANAK CHAND, FITTER, LOCOMOTIVE SHOPS, RAWALPINDI.

379. ***Mr. Abdul Haya :** (1) Will the Government be pleased to state for what fault of his Nanak Chand, Fitter, Locomotive Shops, Rawalpindi, was dismissed on 24th March 1925 ?

(2) Before dismissal, were any charges framed against him and was an inquiry held in his presence ? Was Nanak Chand afforded an opportunity of cross-examining witnesses deposing against him ?

(3) Is it a fact that on 26th March 1925 the mistries of both the Carriage and Locomotive Shops, North Western Railway, Rawalpindi, including those who had given evidence against Nanak Chand approached the Works Manager with a request to reconsider Nanak Chand's case and the said request was refused ?

(4) Is it a fact that the recent strike on the North Western Railway was the result of Nanak Chand's dismissal and the treatment meted out to other railway employees who sympathised with him ?

The Honourable Sir Charles Innes : (1) Nanak Chand was discharged (not dismissed) for persistent disobedience of orders.

(2) He was given a charge sheet in March 1925. The written evidence was read over and explained to him in the presence of the witnesses and he was asked if he had anything to state. On the charge sheet he admitted his mistake.

(3) On the 25th March, a petition signed by 21 of the staff of the Loco. Shops was received by the Works Manager. The request was to pardon Nanak Chand. The request was refused, the reasons being stated in a notice issued that day to the staff.

(4) The Honourable Member's attention is invited to the Government of India communiqué, dated 17th June, 1925, from which it will be gathered that Nanak Chand's discharge was made the pretext for the strike by the strikers.

Mr. N. M. Joshi : If Nanak Chand's discharge was made the pretext, what was the real reason of the strike ?

The Honourable Sir Charles Innes : I must refer the Honourable Member to the Press Communiqué of the Government of India, from which he will get full information.

STRIKE ON THE NORTH WESTERN RAILWAY.

380. ***Mr. Abdul Haya :** Is it a fact that before the North Western Railway strike had begun, the following gentlemen offered to intervene with a view to have the dispute amicably settled, but their offers were rejected :

(a) Diwan Chaman Lal, M.L.A.,

(b) Mr. Hall, President, N. W. R. Union, Lahore,

(c) General Secretary, N. W. R. Union ?

The Honourable Sir Charles Innes : (a) Yes.

(b) A letter was received from Mr. Hall, who called himself President of the North Western Railway Union, Lahore.

(c) A wire was received from Mr. M. A. Khan.

TREATMENT OF THE CARRIAGE SHOP EMPLOYEES OF THE NORTH WESTERN RAILWAY AT RAWALPINDI.

381. ***Mr. Abdul Haya :** (a) Is it a fact that the North Western Railway Carriage Shop employees at Rawalpindi were locked in on 28th March 1925 and detained in the shop from 7 A.M. to 5 P.M. without rest or meals in contravention of the provisions of the Indian Factories Act ?

(b) Is it a fact that on 28th March 1925, Vacuum Fitter Dina Nath of Rawalpindi Carriage Shop, was abused and beaten by Mr. Lake, General Foreman, Carriage Shop, for asking permission to go out for meals ?

The Honourable Sir Charles Innes : (a) At the request of the majority of the staff themselves, the Carriage and Wagon Workshops were allowed to extend the ordinary period of working on Saturday the 28th of March from 13.30 hours to 17.17 hours having been given an hour's recess at mid-day which the men, at their own request, were allowed to spend within the shop premises. They were paid overtime for the extra period. A notice to this effect was posted. Those who wished to return to their homes at the ordinary time were allowed to do so. There was no infringement of the Indian Factories Act.

(b) The reply is in the negative.

EMPLOYMENT OF INCOMPETENT MEN DURING THE RECENT STRIKE ON THE NORTH WESTERN RAILWAY.

382. ***Mr. Abdul Haya :** 1. Is it a fact that during the last North Western Railway strike, retired, previously dismissed, medically unfit and otherwise incompetent men were engaged by the railway authorities and the travelling public were thereby exposed to inconvenience and danger ?

2. On account of the employment of such men as referred to in question No. 1 during the last North Western Railway strike were there not several mishaps and accidents on the North Western Railway line resulting in certain cases in bodily injuries and loss of human lives ?

3. Has the attention of the Government been drawn to various allegations and accounts published in the Press regarding the boilers being burnt and some engines going out of repair, disabled or rendered useless on account of the incompetency of the staff newly employed during the strike ?

4. If so, will the Government please state how far such allegations are correct or false ?

5. If they are true, will the Government please state the extent of injury and loss sustained giving the number of boilers and engines thus disabled ?

The Honourable Sir Charles Innes : (1) The reply is in the negative.

(2) The number of accidents during the period of the unrest was not greater than during normal times.

(3) Several such allegations were made in " Union Communiqués " in the Press.

(4) The allegations are not correct.

(5) Does not arise.

Mr. Wali Muhammad Hussanally : May I know what was the total loss to the railway on account of these accidents ?

The Honourable Sir Charles Innes : I think the Honourable Member must put down that question, but I may say that the total loss to the railway, if there was any loss at all, due to the strike was very small.

ALLEGATIONS BY THE SHED STAFF AGAINST MR. SHEPPARD, SHED FOREMAN, KHANEWAL, NORTH WESTERN RAILWAY.

383. ***Mr. Abdul Haya** : 1. Is it a fact that the shed staff at Khanewal had certain grievances against Mr. Sheppard, Shed Foreman, Khanewal, and that the North Western Railway authorities were duly informed thereof by the shed employees before they went on strike recently ?

2. Will the Government please state the nature of the complaints made against the Foreman by the shed staff ?

3. Was any inquiry made into those grievances, if so, with what result ?

The Honourable Sir Charles Innes : (1) and (2). Complaints of a general nature were received and investigated. The local union officials were asked to make definite charges with a view to further investigation.

(3) The Divisional Superintendent, Multan, visited Khanewal as soon as possible but found that the staff had left duty. Further inquiry was therefore impossible.

Mr. Abdul Haya : With reference to the answer to the first part of my question No. 383, may I know if any specific charges have been received up till now by the Government ?

The Honourable Sir Charles Innes : Not that I know of.

ARREST OF MR. M. A. KHAN, SECRETARY, NORTH WESTERN RAILWAY UNION AND FIVE OTHER UNION WORKERS AT KHANEWAL, ON THE 11TH APRIL 1925.

384. ***Mr. Abdul Haya** : 1. Is it a fact that Mr. M. A. Khan, Secretary, North Western Railway Union and five other Union workers were arrested on railway premises at Khanewal on 11th April 1925 and were detained in the lock-up for six hours ?

2. Were these arrests made at the request or suggestion of the railway authorities ? If so, will the Government please state the name of the railway officer who was responsible for securing these arrests ?

3. Will the Government please state for what offence and under what regulation or law these arrests were made ?

4. Is it a fact that these arrests were made without warrants and were caused upon the verbal orders of Mr. Alum, Deputy Superintendent of Police ?

The Honourable Sir Charles Innes : (1) Mr. M. A. Khan and five others were arrested on the 11th. The period of detention is not known.

(2) The reply is in the negative.

(3) It is understood that arrests were made under section 151 of the Indian Penal Code.

(4) Government have no information on the subject.

PROTECTION OF THE CEMENT INDUSTRY.

385. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government please state :

(a) the number of cement producing companies working in British India,

(b) the number of such companies as are owned by Indians,

(c) the average quantity of cement annually imported to India from foreign countries, and

(d) whether Government are prepared to give protection to this cement industry and to reduce the coal freight as recommended by the Tariff Board ?

The Honourable Sir Charles Innes : (a) Ten.

(b) According to the evidence given before the Tariff Board the majority of the shares in eight companies were held by Indians.

(c) The average for the last three years is 1,26,500 tons.

(d) The Honourable Member is referred to Resolution No. 16, Tariffs, dated August 1st, 1925.

CONSTITUTION OF THE CENTRAL INDIAN SOLDIERS BOARD.

386. ***Khan Bahadur Sarfaraz Hussain Khan :** With reference to Government reply to starred question No. 941 asked in the Assembly on the 20th February 1925, will the Government be pleased to state :

(a) If the words " Soldier " and " *Ex-soldier* " used in their reply include non-combatants as well ; and

(b) If not, do Government consider the desirability of extending the privilege to them ?

Mr. E. Burdon : (a) Yes. Non-combatants who are serving or who have served in a unit or department of the Army.

(b) Does not arise.

ISSUE BY THE BENGAL NAGPUR RAILWAY OF RETURN TICKETS TO GHATSILA.

387. ***Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of 30th July 1925, page 11, under the heading " Return tickets to Ghatsila " ?

(b) If so, will they please state if the statements made therein are correct ?

(c) If correct, will they please issue instructions to the Bengal Nagpur Railway authorities to redress the grievance complained of ?

Mr. G. G. Sim : The Agent will no doubt extend this concession to the station in question if he is satisfied that it will pay him to do so. The Government are not prepared to order him to comply with the request.

APPOINTMENT OF AN INDIAN AS SECRETARY TO THE RAILWAY BOARD.

388. ***Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 31st July, 1925, page 11, under the heading " Railway Board Secretaryship " : " Why should no Indian be appointed " ?

(b) If so, will they please state if the statements made therein are correct ?

(c) If correct, are Government prepared to consider the necessity of appointing an Indian Secretary to the Railway Board ?

(d) If not, will they please give reasons ?

Mr. G. G. Sim : (a), (b), (c) and (d) Government have seen the letter. Appointments to the Railway Board's office including that of Secretary are made entirely by selection and no racial discrimination is made.

†389.

ANGLO-INDIAN DEPUTATION TO THE SECRETARY OF STATE FOR INDIA.

390. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of the Government been called to the reply of Earl Birkenhead, the Secretary of State for India, to the Anglo-Indian deputation which waited on him at the India Office on July 30th ?

(b) Is it a fact that the Secretary of State promised the deputation to discuss their grievances including the opening of the military service to Anglo-Indians ?

(c) Do the Government propose to give the Anglo-Indians any special treatment in the matter denied to Indians ?

(d) Will the Government be pleased to lay on the table :

(i) the full text of the Anglo-Indian deputation's memorandum and the Secretary of State's reply ;

(ii) the correspondence, if any, between the Secretary of State and the Government of India ?

The Honourable Sir Alexander Muddiman : I have seen a newspaper report to the effect that Lord Birkenhead gave " a sympathetic reply " to an Anglo-Indian deputation which recently waited upon him ; but I have no information about the deputation, the matters which it represented or the terms of Lord Birkenhead's reply.

REDUCTION OF THE WAGES OF WORKMEN EMPLOYED BY THE MILLOWNERS' ASSOCIATION, BOMBAY.

391. ***Mr. C. S. Ranga Iyer** : (a) Has the attention of the Government been drawn to the discussion on an adjournment motion of the Bombay Legislative Council held on July 30th, regarding the decision of the Millowners' Association to reduce the wages of their workmen, etc. ?

(b) Has the Government of Bombay placed the gravity of the situation before the Governor General in Council ?

(c) What steps do the Government propose to take to bring about immediate relief to the mill industry and the operatives working therein ?

(d) Will the Government be pleased to lay on the table the correspondence between the Bombay Government and the Government of India on the above subject ?

The Honourable Sir Charles Innes : (a) Yes.

(b) and (d) The Government of Bombay have sent up a copy of the debate, but the Government of India are not prepared to lay the correspondence on the table.

(c) The Honourable Member's attention is directed to the reply given by His Excellency the Viceroy to the deputation of the millowners, a report of which has appeared in the Press.

EXPENDITURE IN CONNECTION WITH HIS EXCELLENCY THE VICEROY'S RECENT VISIT TO ENGLAND.

392. ***Mr. Abdul Haya** : (1) Will the Government please state what total expenses have been incurred by the Government on account of His Excellency the Earl of Reading's recent trip to England in the shape of :

(a) Salary paid to His Excellency the Earl of Reading.

(b) Passage money or travelling allowance or other expenses connected with His Excellency's trip ?

(2) Did some officials and non-officials also accompany His Excellency on this trip ? If so, will the Government please state their names ?

(3) If the answer to question No. 2 be in the affirmative will the Government please state how and by whom the expenses of such persons were paid ? If they were paid by the Government, will the Government please state the amount incurred by Government for such individuals ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to the answer given by me to Mr. Rangaswami Iyengar's question number 147 on the 27th August 1925.

Mr. Abdul Haya : My question covers more ground than the question referred to by the Honourable the Home Member. For instance, parts (2) and (3) of my question are not covered by the previous question ?

The Honourable Sir Alexander Muddiman : I think the reply did cover it. There were no officials or non-officials who accompanied His Excellency. The answer to the third part is in the negative.

DETENTION AT CERTAIN PORTS OF PILGRIM SHIPS CARRYING INDIAN MUSLIM PILGRIMS.

393. ***Mr. Abdul Haya** : (1) Are the Government aware that this year some pilgrim ships carrying Indian Muslim pilgrims and bound for

Arabian ports were held up *en route* at certain intermediate ports to the great inconvenience and anxiety of the pilgrims ?

(2) Did the Government of India take any action to afford immediate relief to the pilgrim ships by making any diplomatic representations or otherwise ?

(3) If the answer to question No. 2 be in the affirmative, will the Government please state the nature of the action taken by itself ?

(4) Will the Government be pleased to lay on the table all papers and correspondence relating to this ?

Sir Denys Bray : I would refer the Honourable Member to the Government communiqués which were published from time to time. The result of Government's action may be seen in the safe landing of Indian pilgrims at Rabegh.

Government are not prepared to lay the correspondence on the table.

GRANT OF LEAVE TO GOVERNORS, LIEUTENANT-GOVERNORS AND CHIEF COMMISSIONERS.

394. ***Mr. Abdul Haya** : (1) Will the Government please state what Heads of Local Governments, *i.e.*, Governors, Lieutenant-Governors and Chief Commissioners took leave and went home during the current year ?

(2) Will the Government please state the periods of leave granted in each case ?

The Honourable Sir Alexander Muddiman : (1) The Heads of Provinces who proceeded on leave during the current year were His Excellency Sir Henry Wheeler, Governor of Bihar and Orissa ; His Excellency Sir Harcourt Butler, Governor of Burma ; and His Excellency Sir John Kerr, Governor of Assam.

(2) Leave of absence for a period of four months was granted in each case.

DISTRIBUTION AMONG INDIAN PILGRIMS OF CERTAIN MONEY RECEIVED FROM THE EX-KING OF ARABIA.

395. ***Mr. Abdul Haya** : (1) Was any money received last year by the Government from the Government of the *ex*-King of Arabia (Sharif Husain) through the British Consul at Jeddah for distribution among certain Indian pilgrims who were fraudulently deprived of this money by the Bedouins on a previous occasion when the said Indians were on pilgrimage in that country ?

(2) If the answer to question No. (1) be in the affirmative, will the Government please state the exact amount of the money received by them ?

(3) What steps have the Government so far taken to have the money distributed amongst those lawfully entitled to it ?

(4) What is the amount which has been distributed up till now ?

(5) How do the Government propose to expend the balance, if any, which remains undistributed ?

Sir Denys Bray : £3,300 were received last year by Government and remitted to the Protector of Pilgrims for disbursement.

The registration and investigation of claims from all parts of India is in progress but must inevitably take time. As the sum has to be distributed proportionately among all the claimants, it is obvious that

until all claims have been received and verified no distribution is possible.

RAILWAY CONNECTION BETWEEN GUJRAT AND SARGODHA.

396. ***Lala Duni Chand** : (a) Are Government aware of the fact that the necessity of a direct railway line between Gujrat and Sargodha (in the Punjab) *via* Kunjah and Pholia has been keenly felt for a long time by the people concerned ?

(b) Is it a fact that the survey of this line was completed long before the War and that it was on account of the War that nothing further was done in the matter ?

(c) Will the Government be pleased to state if there is an early prospect of the construction of the line referred to above being undertaken ?

(d) Do the Government know that owing to the prospect of profit that the construction of the said lines will afford, there are a number of enterprising men who are prepared to float a Joint Stock Co. for the purpose of constructing the said lines if permitted by the Government ; and are Government prepared to encourage them in this enterprise ?

Mr. G. G. Sim : (a), (b) and (c). The Honourable Member's attention is invited to the answers given to questions Nos. 116 and 217 in the Assembly on 14th February 1924 and 20th March 1924 upon this subject. There has been no further development in the matter.

(d) No such proposals have been made to Government.

EMPLOYMENT OF INDIAN LADIES IN THE INDIAN EDUCATIONAL SERVICE.

397. ***Lala Duni Chand** : (a) Will the Government be pleased to state for the information of this House :

(i) The present number of English and Indian ladies working in the Indian Educational Service in India ;

(ii) Their educational qualifications ; and

(iii) Whether this number cannot be increased ? If not, why not ?

(b) If the number of Indian ladies in the Indian Educational Service is *nil*, will the Government be pleased to state the reasons for the same ?

(c) Will the Government be pleased to state if it is a fact that the name of Miss Khadijah Begam Ferozuddin Khan, B.A. (Hons.), M.A., M.O.L., (Gold Medalist), Munshi Fazil of the Punjab University, has been brought on the Government of India list for an appointment in the Indian Educational Service, but that so far she has received no offer in this cadre ?

(d) If the answer to the above question be in the affirmative, will the Government be pleased to state the reason why the claims of such a highly qualified lady are ignored ?

(e) If there is no vacancy in the Indian Educational Service, will the Government be pleased to state whether one cannot be created for her and if not, why not ?

Mr. J. W. Bhore : (a) (i). There are 31 ladies permanently employed in the Indian Educational Service, 23 of whom are of non-Asiatic domicile and 8 of Asiatic domicile.

(ii) A statement giving the information required is laid on the table.

(iii) It is not proposed to increase the number as recruitment for the Indian Educational Service has been suspended pending the provincialisation of that service.

(b) Does not arise.

(c) Yes.

(d) Recruitment to the Indian Educational Service ceased within a year of the date when the name of this lady was brought to the notice of the Government of India and her services were not required by any Local Government in that short period.

(e) *Vide* reply given to (a) (iii) *supra*.

List of members of the Indian Educational Service (Women's Branch) with their qualifications.

Province.	Name.	Domicile.	Qualifications.
Madras ..	1. Miss D. C. de la Hey	Non-Asiatic	<i>Oxford</i> .—Classical Moderations (pass). Honours School of Modern History, class II.
	2. Mrs. F.W. Henderson	Do. ..	<i>London</i> .—Teacher's diploma. <i>Oxford</i> .—Honours in Modern History.
	3. Miss R. McLeod ..	Do. ..	<i>London</i> .—B. A., (Honours in Modern History).
	4. Miss K. Myers ..	Do. ..	<i>Scottish Education Department</i> .—Teachers' diploma. <i>Madras</i> .—M.A., (English) 1st class honours. <i>Oxford</i> .—Final School of English Language and Literature, 2nd class honours.
	5. Miss M. F. Praeger ..	Asiatic ..	<i>London</i> .—Teachers' diploma.
	6. Miss I. H. Lowe ..	Non-Asiatic	<i>Madras</i> .—B.A., L. T. <i>London</i> .—M.Sc. <i>Cambridge</i> .—Diploma in Education.
	7. Miss M. C. E. Karney	Asiatic ..	<i>Madras</i> .—B.A., L. T. <i>Cambridge</i> .—Teachers' diploma.
	8. Miss A. deRozario ..	Do. ..	<i>Madras</i> .—B.A., L. T.
	9. Miss T. Lazarus ..	Do. ..	<i>Madras</i> .—B.A., L. T. <i>Board of Education</i> .—Parchement certificate.
	10. Mrs. C. F. Ewart ..	Non-Asiatic	<i>St. Andrews</i> .—L. L. A. <i>Cambridge</i> .—Teachers' diploma.
	11. Miss J. M. Gerrard	Do. ..	<i>Edinburgh</i> .—M.A. <i>Cambridge</i> .—Teachers' diploma.

Province.	Name.	Domicile.	Qualifications.
Bombay ..	12. Miss R. Navalkar ..	Asiatic ..	<i>Bombay</i> .—B. A. <i>Cambridge</i> .—Teachers' diploma.
	13. Miss M. Newland ..	Non-Asiatic	<i>Cambridge</i> .—Teachers' diploma. National Froebel Union certificate.
	14. Mrs. F. Stockbridge	Asiatic ..	<i>London</i> .—Senior certificate, College of Preceptors. Teachers' Association diploma.
	15. Miss H. E. Payne ..	Do. ..	<i>Bombay</i> .—B. A. <i>Cambridge</i> .—Teachers' diploma.
	16. Miss H. W. Twells ..	Non-Asiatic	<i>London</i> .—B. A. (Honours). <i>Cambridge</i> .—Teachers' certificate.
	Bengal ..	17. Miss M. V. Irons ..	Do. ..	Dublin.—M. A. Cambridge.—Teachers' diploma.
18. Miss G. M. Wright ..		Do. ..	<i>Oxford</i> .—Honours School of Modern History, 2nd class.
19. Miss E. E. Davies ..		Do. ..	<i>London</i> .—Higher Froebel certificate.
United Provinces.	20. Miss H. G. Stuart ..	Do. ..	<i>Dublin</i> .—M. A.
Punjab ..	21. Miss L. M. Stratford	Do. ..	<i>Punjab</i> .—B. A.
	22. Miss G. Harrison ..	Do. ..	<i>London</i> .—B. A. (Honours), External examination. Teachers' diploma.
Burma ..	23. Miss M. E. Scott ..	Do. ..	<i>Edinburgh</i> .—M. A. Diploma in Education. Degree of Bachelor of Education.
	24. Miss M. C. Franklin	Do. ..	<i>St. Andrews</i> .—L. L. A. <i>Cambridge</i> .—Teachers' diploma.
Bihar and Orissa.	25. Miss J. Parsons ..	Do. ..	<i>Madras</i> .—B. A., L. T. <i>London</i> .—Teachers' diploma.
	26. Miss E. H. Crawford	Do. ..	<i>Cambridge</i> .—Higher Local.
	27. Miss E. Dawson ..	Do. ..	<i>Durham</i> .—M. A.
	28. Miss H. Brander ..	Do. ..	<i>Edinburgh</i> .—M. A. <i>London</i> .—Teachers' diploma.
Central Provinces.	29. Miss E. Chamier ..	Do. ..	<i>Oxford</i> .—Honours School of Natural Science (Chemistry)
	30. Miss A. Thompson	Non-Asiatic	<i>Madras</i> .—B. A. <i>Cambridge</i> .—Teachers' certificate.
North-West Frontier Province.	31. Miss G. Littlewood	Asiatic ..	<i>Cambridge</i> .—Teachers' diploma.

PROPOSAL TO APPOINT MISS KHADIJAH BEGAM FEROUZUDDIN KHAN AS INSPECTRESS OF SCHOOLS, NORTH-WEST FRONTIER PROVINCE.

398. ***Lala Duni Chand** : (a) Will the Government be pleased to state if it is a fact that Miss Littlewood, Inspectress of Schools, North-West Frontier Province, who is working in the Indian Educational Service is not a graduate and is not fully competent to examine the girls in the Hindi, Gurmukhi, Urdu and Pashto languages ?

(b) If Miss Khadijah Begam cannot be provided in the Indian Educational Service elsewhere, are the Government prepared to appoint her in place of Miss Littlewood in the North-West Frontier Province and transfer Miss Littlewood to some other part of India ?

Mr. J. W. Bhore : (a) The answer to the first part of the question is in the affirmative and to the second part in the negative.

(b) The answer is in the negative.

ALLEGATIONS IN THE BANDEMATARAM OF LAHORE REGARDING CORRUPTION IN THE RAILWAY DEPARTMENT.

399. ***Lala Duni Chand** : (a) Has the attention of the Government been drawn to an article that appeared in the issue of 22nd July, 1925, of *Bandematram*, a daily vernacular paper of Lahore, under the heading "Corruption in Railway Department", in which specific allegations which can form the subject-matter of an inquiry, are made ?

(b) Do the Government propose to order an inquiry into the allegations made therein ?

Mr. G. G. Sim : (a) and (b). Government have seen the anonymous communication referred to and the attention of the Agent has also been drawn to it. If the Honourable Member is prepared to bring forward evidence in support of the allegations made and to name the station referred to Government will be prepared to order an inquiry.

FALL IN THE PRICE OF PIG IRON.

400. ***Khan Bahadur Sarfaraz Hussain Khan** : (a) Will Government please state :

(i) If the price of pig-iron has fallen in India ?

(ii) If so, will they please give reasons for the fall ?

(b) Will the Government please also state the quantity of Indian pig-iron exported to foreign countries during the years 1922-23, 1923-24 and 1924-25 ?

The Honourable Sir Charles Innes : The price of pig-iron in India appears to have fallen slightly in the last few months, but I cannot assign any definite reason for the fall. Exports of pig-iron from India have risen from 118,000 tons in 1922-23 to 341,000 tons in 1924-25.

STATUS OF THE HIGH COMMISSIONER FOR INDIA.

401. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government please state :

(a) if High Commissioners have the same status as a Foreign Minister ?

(b) if the High Commissioner for India is equal in status to a Dominion High Commissioner ?

The Honourable Sir Charles Innes : The attention of the Honourable Member is invited to the reply given by me to Seth Govind Das's question No. 184 on the 27th February last.

ANNUAL CLASSIFICATION OF THE PIECE WORK ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRINTING, CALCUTTA.

402. *Khan Bahadur Sarfaraz Hussain Khan : With reference to Government reply to question No. 45 (b) in the meeting of the Council of State held on 3rd February 1925, regarding the annual classification of the piece work establishment of the Government of India Printing, Calcutta, will the Government please state :

- (a) if the Controller of Printing, Stationery and Stamps, has submitted his proposals for modifying the present system ?
- (b) if so, will Government please lay a copy of it on the table ?
- (c) if the proposals have not been prepared, will Government please ask the Controller to expedite the matter ?

The Honourable Sir Bhupendra Nath Mitra : (a) No.
 (b) Does not arise.
 (c) Government hope to receive them shortly.

ESTABLISHMENT OF A PROVIDENT FUND IN GOVERNMENT PRESSES.

403. *Khan Bahadur Sarfaraz Hussain Khan : With reference to Government reply to question No. 47 in the meeting of the Council of State held on the 3rd February 1925, regarding the "Provident Fund in Government Presses," will the Government please state the reasons why a Provident Fund has not been brought into operation in the Government Presses ?

The Honourable Sir Bhupendra Nath Mitra : The question of a Provident Fund for the press employees is part of the larger and complicated question of a State-aided Provident Fund for Government employees holding non-pensionable appointments generally, which is still under consideration.

OFFICE OF THE DIWAN OF DARGAH, AJMER.

404. *Khan Bahadur Sarfaraz Hussain Khan : With reference to Government reply to starred questions Nos. 780, 781, 782 and 783, asked in the Assembly on the 4th February 1925, regarding "Appointment of Syed Shahabuddeen to the office of the Diwan of Dargah, Ajmer" "Appointment of an outsider to the office of the Diwan of Dargah, Ajmer", "Ejection of the ladies of the Diwan family of Ajmer from their ancestral residence", and "Right of Syed Shahabuddeen to the office of the Diwan of Dargah, Ajmer", will the Government please state :

- (a) if the information has been collected ?
- (b) if collected, will they please communicate it to the House for the information of the Members ?
- (c) if not by what time is the information expected to be collected ?

Sir Denys Bray : The information was obtained and communicated by letter on the 7th February 1925 to Shaikh Mushir Hossain Kidwai.

RECOMMENDATIONS OF THE MERCANTILE MARINE COMMITTEE.

405. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to starred questions Nos. 184, 207 and 444 asked in the last Delhi Session of the Assembly, regarding the " Recommendations of the Mercantile Marine Committee ", will the Government please state :

- (a) if they have reached any definite decision ?
- (b) if they have, will they please communicate the result to the House ?

The Honourable Sir Charles Innes : I have already answered this question in reply to question No. 132, Sir.

RECOGNITION BY THE AGENT OF THE OUDH AND ROHILKHAND RAILWAY OF THE RAILWAY UNION.

406. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to the Government reply to the starred question No. 312 asked in the Assembly on the 27th January, 1925, that " the Agent intimated to the staff certain conditions under which he would be prepared to recommend to the Railway Board the recognition of their Union ", will the Government please state the conditions intimated by the Agent ?

The Honourable Sir Charles Innes : The main conditions were the reorganisation of the Union, its management by a Committee of railway employees, the maintenance of proper accounts and telling them that all connection with the *Weekly Mazdoor* should be severed or that the management of that paper should be placed in the hands of the Union Committee.

INDIRECT SUBSIDIES TO MOSQUES AND TEMPLES.

407. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply that " many temples and mosques in India receive indirect subsidies from Government in the shape of remission of land revenues and lands owned by them " to my starred question No. 127 asked on the 23rd January, 1925, will Government please state :

- (a) the number of such mosques and temples as receive such subsidies ?
- (b) the amount of revenue so remitted ?

The Honourable Sir Charles Innes : The figures asked for are not available.

MUHAMMADAN ASSISTANT CONTROLLERS OF STORES IN THE NORTH WESTERN RAILWAY.

408. ***Mr. S. Sadiq Hasan** : (a) Will the Government please lay on table a statement showing the number of Muhammadan Assistant Controllers of Stores in the North Western Railway, Punjab ?

(b) Will the Government please state if they have fixed any number of posts to be allotted to Muhammadans : if not, are the Government

prepared to fix the proportion according to the numerical strength of the communities in the Punjab ?

Mr. G. G. Sim : (a) There are no Muhammadan Assistant Controllers of Stores on the North Western Railway.

(b) The reply to the first part is in the negative. As regards the second part Government do not intend to fix any definite proportion, but they propose in future recruitment to correct marked communal inequalities in the superior posts as a whole wherever this is practicable, by arranging for a certain number of appointments in the superior posts to be filled by selection from properly qualified candidates.

INDIANIZATION OF THE ORDNANCE SERVICES.

409. ***Mr. S. Sadiq Hasan :** Will the Government be pleased to state :

(a) whether the scheme of Indianising the Ordnance Service is progressing ?

(b) when may a further recruitment be expected so that the strength of the Indian factor may come up to one-third of the total strength ?

(c) whether any arrangements are being made to give the men already recruited any technical and departmental training ?

Mr. E. Burdon : (a)—(c). I presume the Honourable Member is referring to the scheme for the partial civilianization of certain establishments of the Indian Army Ordnance Corps. If so, I would invite his attention to the reply given on the 25th August 1925 to starred question No. 173.

STOPPAGE OF PASSENGER TRAINS AT BABARPUR ON THE DELHI UMBALLA KALKA RAILWAY.

410. ***Mr. S. Sadiq Hasan :** (a) Is it a fact that on the Delhi Umballa Kalka Railway some 8 or 9 years ago two new stations Babarpur and Rath Dhana were opened, and that since 1924 tickets for the latter station are issued from every station on that line and all the passenger trains stop at it, while no passenger train stops at Babarpur much to the inconvenience of the people ?

(b) If the reply is in the affirmative, do the Government propose to issue instructions to the Railway Department to arrange for the stoppage of passenger trains at Babarpur as early as possible ?

Mr. G. G. Sim : (a) and (b). The Honourable Member is referred to the answer given in this Assembly on the 31st August, 1925, to question No. 272 asked by Lala Duni Chand.

RESTRICTION ON INTERMEDIATE CLASS PASSENGERS TRAVELLING BY THE CALCUTTA MAIL ON THE DELHI UMBALLA KALKA RAILWAY.

411. ***Mr. S. Sadiq Hasan :** (a) Is it a fact that passengers holding intermediate class tickets for less than 250 miles are not allowed to travel by the Calcutta Mail, and that the Delhi Umballa Kalka railway section is only 162 miles in length ?

(b) Is it also a fact that this restriction has only been applied during the last three or four years ?

(c) If the reply is in the affirmative, will the Government be pleased to get this restriction removed as it causes much inconvenience and hardship to passengers travelling by mail on that line ?

Mr. G. G. Sim : (a), (b) and (c). The Honourable Member is referred to the answer given in this Assembly on the 31st August, 1925, to question No. 273 asked by Lala Duni Chand.

APPOINTMENT OF CIVILIAN SUB-DIVISIONAL OFFICERS IN THE BUILDINGS AND ROADS BRANCH, MILITARY WORKS.

412. ***Mr. S. Sadiq Hasan :** (1) Will the Government be pleased to state what action they have taken to give effect to Army Instruction, India, No. 356, dated 7th April 1925, so far as it concerns the Civil Sub-Divisional Officers ?

(2) Will the Government be pleased to lay on the table a statement showing the present strength of the Cadre of Military and Civil Sub-Divisional Officers ?

(3) Will the Government be pleased to state how they propose to fill the vacancies in the case of Sub-Divisional Officers ?

(4) Are the Government prepared to consider when filling the vacancies the claims of those temporary Sub-Divisional Officers who are holding the charge of sub-divisions since the last 5 years and have got good educational and technical qualifications ?

Mr. E. Burdon : (1) Vacancies which occur are being filled by the appointment of civilian Sub-Divisional officers in the Buildings and Roads Branch.

(2) The present strengths are as follows :—

Permanent military Sub-Divisional Officers ..	153
Permanent civilian Sub-Divisional Officers ..	40

(3) and (4). As already stated in reply to part (a) civilians will be appointed to vacancies as they occur until the strengths laid down in Army Instruction (India) No. 356 of 1925 are reached. In selecting individuals for these vacancies, recommendations are received from the Chief Engineers of Commands stating which of their temporary Sub-Divisional Officers or permanent Sub-Overseers they consider fit for permanent appointment as Sub-Divisional Officer. The final selection is made from these names, due regard being paid to service, qualifications and past reports.

GRANT OF A REWARD TO MEHR CHAND DATTA, LATE SORTER, " K " DIVISION, RAILWAY MAIL SERVICE.

413. ***Mr. S. Sadiq Hasan :** (a) Are the Government aware that Mehr Chand Datta, late sorter, " K " Division, Multan, in the Railway Mail Service at present a resident of Kartarpore, in the District of Jullundhar, made in 1917-18 some very useful suggestions with the object of effecting economy in the Department ?

(b) Is it a fact that most of his suggestions were accepted ?

(c) If so, did the Government do anything to recognise and reward the said Mehr Chand Datta for the services rendered by him to the Department ?

(d) If not, are the Government now prepared to consider the desirability of rewarding an old servant ?

Mr. G. P. Roy : (a) He made some suggestions but I would not describe them as very useful.

(b) No.

(c) Does not arise.

(d) No.

EMPLOYMENT OF INDIANS IN THE WATCH AND WARD DEPARTMENT, EAST INDIAN RAILWAY.

414. ***Maulvi Muhammad Yakub :** (a) What is the number of the Indian, European and Eurasian Inspectors and Chief Inspectors in the Watch and Ward Department of the East Indian Railway including the Oudh and Rohilkhand Railway ?

(b) Do the Government propose to appoint more Indians as Inspectors and Chief Inspectors in the above Department considering that their number at present is so small ?

Mr. G. G. Sim : (a) Government have no information and do not propose to call for it.

(b) The Agent, East Indian Railway, has been made aware of the policy of Government that Indians should be increasingly employed in all departments of the Railway and the Government are confident that he will carry out this policy.

PREVENTION OF MALE TICKET CHECKERS FROM ENTERING FEMALE COMPARTMENTS.

415. ***Maulvi Muhammad Yakub :** Are travelling male ticket checkers permitted to enter into female compartments while the trains are in motion ? If so, do the Government propose to issue strict orders against this practice in order to avoid trouble and annoyance to female passengers ?

Mr. G. G. Sim : The answer to the first part of the question is in the negative ; the second part therefore does not arise.

Maulvi Muhammad Yakub : Will Government be pleased to inform the railway authorities that travelling ticket collectors should in no way be allowed to enter the female compartments ?

Mr. G. G. Sim : I said, " the reply is in the negative ". They are not allowed.

Maulvi Muhammad Yakub : Then do I understand that the Government want that the travelling ticket collectors should enter the female compartments ?

Mr. G. G. Sim : No, Sir. They are already prohibited from doing so.

RETRENCHMENTS ON THE EAST INDIAN AND OUDH AND ROHILKHAND RAILWAYS.

416. ***Maulvi Muhammad Yakub :** (a) Is it proposed to reduce the number of the railway employees as a result of the amalgamation of the East Indian and the Oudh and Rohilkhand Railways ?

(b) If the answer to the first part of the question is in the affirmative, do the Government propose to issue orders that the Mussalman employees do not come under the reduction scheme, considering that their number is already very small ?

Mr. G. G. Sim : (a) Government do not know whether any reductions in staff have been made so far, but the Honourable Member is referred to the answer given to a similar question put by Mr. N. M. Joshi on the 30th January 1925.

(b) Government do not propose to issue any such orders.

DEVELOPMENT OF AGRICULTURE.

417. ***Mr. C. S. Ranga Iyer :** (a) Are the Government aware that Lord Birkenhead, the Secretary of State for India, expressed the hope in his speech in the House of Lords on July 7th of giving " a powerful impetus " to the " further development " of agriculture ?

(b) Are the Government further aware that Lord Birkenhead stated in the same speech that the question was " closely discussed " between the Governor General and himself ?

Mr. J. W. Bhore : (a) and (b) The reply is in the affirmative.

APPOINTMENT OF A COMMISSION TO INQUIRE INTO THE DEVELOPMENT OF THE AGRICULTURAL RESOURCES OF INDIA.

418. ***Mr. C. S. Ranga Iyer :** (a) Will the Government be pleased to state if they have a plan of giving a powerful impetus to the development of the agricultural resources of India ? If so, what is the plan ?

(b) Do the Government propose to inquire into this problem ?

(c) Do the Secretary of State and the Governor General in Council agree that a special Commission should be appointed for the purpose ?

Mr. J. W. Bhore : (a) and (b) As the Honourable Member is aware, agriculture being a transferred subject, the problem of agricultural development is one primarily for the Provincial Governments. But the Government of India, who are fully alive to the importance of this question, are now considering, how, subject to the limitations imposed by the Devolution Rules, they can best assist and further this development.

(c) A special commission is not, in present circumstances, considered necessary. The Honourable Member is referred to the remarks on the subject of agriculture made in His Excellency the Viceroy's opening speech on the 20th August, which indicate generally the lines upon which action is at present contemplated.

MANUFACTURE OF WAGONS AND LOCOMOTIVES.

419. ***Mr. Kumar Sankar Ray :** Will the Government be pleased to state what is their policy with regard to railway workshops in the matter of construction and manufacture of new wagons and locomotives ?

Mr. G. G. Sim : The policy of Government with regard to railway workshops, in the matter of construction and manufacture of new wagons and locomotives, is that in all cases where it is found to be more economical to purchase from private manufacturers this course is adopted.

MANUFACTURE OF WAGONS AND LOCOMOTIVES.

420. *Mr. Kumar Sankar Ray : Will the Government be pleased to state the number of :

- (a) new wagons,
- (b) new locomotives,

whether for additional plant or for replacement of old plant, which have been constructed at any of the workshops of the railways in India ?

The Honourable Sir Charles Innes : If the Honourable Member will state the period for which the information is required, Government will collect it and supply it to him.

SHIFTING OF THE RAILWAY STATION AT GOALUNDO FROM PLACE TO PLACE.

421. *Mr. Kumar Sankar Ray : Will the Government be pleased to state whether any extra fare is charged upon all passengers and goods passing through Goalundo on the Eastern Bengal Railway for defraying the extra cost of shifting the railway station there from place to place during the different seasons of the year ? If so, what are the rates and total amount realised during each of the last five years and are they sufficient to meet the cost of such shifting ?

Mr. G. G. Sim : A terminal charge of one anna per passenger and 2 annas per maund on goods traffic is levied. Information with regard to the total amount realised during each of the last five years is not available, but it is understood that the amount realised is not sufficient to meet the cost.

LOCKING OF THE DOORS OF INTERMEDIATE AND THIRD CLASS CARRIAGES ON THE EASTERN BENGAL RAILWAY.

422. *Mr. Kumar Sankar Ray : Is it a fact that all doors except one in intermediate and third class carriages in the Eastern Bengal Railway trains are locked when trains are running for purposes of examining the tickets of passengers ? If so, what steps do the Government propose to take to remove the great inconvenience caused to passengers going into or coming out of the carriages at stations ?

Mr. G. G. Sim : The Honourable Member is referred to the answer given in this Assembly on the 31st August 1925, to question No. 232, asked by Mr. Kamini Kumar Chanda.

ABSENCE OF A PLATFORM AND WAITING ROOMS AT FARIDPUR ON THE EASTERN BENGAL RAILWAY.

423. *Mr. Kumar Sankar Ray : Are the Government aware of the great inconvenience caused to passengers at the Faridpur station on the Eastern Bengal Railway owing to the absence of a platform and waiting rooms ?

Mr. G. G. Sim : The Government have no information but a copy of the question and answer will be forwarded to the Agent.

EXCLUSION OF ASIATICS FROM SOUTH AFRICA.

424. *Mr. Kumar Sankar Ray : Has the attention of the Government been drawn to the recent legislation introduced in the South African Parliament for the exclusion of Asiatics from Africa ? If so, what steps do the Government propose to take in the matter ?

Mr. J. W. Bhore : The Honourable Member's attention is invited to the answer given by me on the 31st August to Mr. Kamini Kumar Chanda's question No. 234 on the same subject.

PREVALENCE OF BOLL WORMS IN AMERICAN COTTON.

425. ***Mr. Kumar Sankar Ray :** Will the Government be pleased to state what is the source and nature of the information at their disposal about the extensive prevalence of boll worms in American cotton which has necessitated their taking action to control the import of American cotton into India ?

Mr. J. W. Bhore : Information on the subject will be found on pages 9 and 13 to 15 of the proceedings of the 2nd meeting of the Indian Central Cotton Committee, Bombay, held in January 1922 and on pages 36-40 and 66-79 of the proceedings of the 4th meeting of the Committee, held in February and March 1923, copies of which will be supplied to the Honourable Member, if he so desires.

INDIANISATION OF THE VARIOUS SERVICES.

426. ***Mr. Kumar Sankar Ray :** Will the Government be pleased to state what action, if any, they are going to take to give effect to the recommendations of the Lee Commission with regard to the Indianisation of the various Indian services ?

The Honourable Sir Alexander Muddiman : I would refer the Honourable Member to the answer given by me to Khan Bahadur Ghulam Bari's unstarred question, No. 4 on the 25th August 1925.

REGULATION OF MEDICAL QUALIFICATIONS.

427. ***Mr. Kumar Sankar Ray :** In view of the utterance of the Secretary of State for India as reported in Reuter's telegram, dated London, July 29th, will the Government be pleased to state whether and how the Secretary of State seeks to reserve to himself the responsibility as regards legislation for the regulation of medical qualifications ?

Mr. J. W. Bhore : I would refer the Honourable Member to part (a) of the reply given by me to a similar question asked by Dr. K. G. Lohokare on the 25th August 1925.

OUTRAGES ON FEMALE RAILWAY PASSENGERS.

428. ***Khan Bahadur Sarfaraz Hussain Khan :** (a) Will the Government be pleased to state the number of outrages committed on Indian females in the female compartments of railways in British India, as have been proved to be true on judicial trial during the years 1922-23, 1923-24 and 1924-25 ?

Mr. G. G. Sim : The information is not available.

RECOMMENDATIONS OF THE CENTRAL COTTON COMMITTEE.

429. ***Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of 16th July, 1925, page 9, under the heading "Central Cotton Committee", "Proceedings of last sitting" ?

(b) If so, will they please state if the statement made therein "It was decided that the Committee's recommendations on the various suggestions made to them should be forwarded to the Government of India", is correct ?

(c) If correct, will they please state if they have received the recommendations ?

(d) If they have, will they please lay a copy of the recommendations on the table ?

(e) Will they please also state if they have considered the recommendations ?

(f) If they have considered them, will they please also state what action they have taken with regard to them ?

The Honourable Sir Charles Innes : The Honourable Member is referred to the rules under section 12 of the Cotton Ginning and Pressing Factories Act, 1925, published in the Gazette of India of 8th August 1925. These rules have been issued after consideration of the Central Cotton Committee's recommendations, which were all accepted. The Government consider it unnecessary to lay the Committee's recommendations on the table.

EASTERN WIRELESS SYSTEM.

430. ***Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of 16th July, 1925, page 5, under the heading " Eastern Wireless System ", " Erection of stations " ?

(b) If so, will they please state if the statements made therein are correct ?

(c) If correct, will they please state if any progress has been made in the matter, and if so, what progress ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). Yes.

(c) Government have no further information.

COMPARATIVE STATEMENT OF EARNINGS OF STATE RAILWAYS.

431. ***Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of 21st July, 1925, page 5, under the heading " State Railways ", " Comparative statement of earnings " ?

(b) If so, will the Government be pleased to state if the facts and figures stated therein are correct ?

(c) If not, will Government please state what are the correct figures ?

Mr. G. G. Sim : (a), (b) and (c). Government have seen the letter referred to and the facts and figures stated therein are correct except that the following mistakes have been made in copying from the weekly communiqué issued by the Railway Board :—

- (1) the approximate gross earnings for the week ended 4th July 1925 should be Rs. 1.64 crores and not Rs. 1,64 crores ;
- (2) the approximate gross earnings from the 1st of April to 4th July 1925 should be Rs. 25.75 crores and not Rs. 25,75 crores.
- (3) the number of wagons loaded on Class I—5 ft. 6 in. gauge railways during the week ended 4th July 1925 should be 60,558 and not 10,558.

BILLS PASSED BY THE COUNCIL OF STATE.

(LAID ON THE TABLE.)

Secretary of the Assembly : Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table the following Bills which were passed by the Council of State at its meeting of the 31st August, 1925 :

- (1) A Bill to supplement the Oudh Courts Act, 1925.
- (2) A Bill to amend the Criminal Tribes Act, 1924.
- (3) A Bill to amend the Cotton Transport Act, 1923.
- (4) A Bill to amend certain enactments and to repeal certain other enactments.
- (5) A Bill to supplement certain provisions of the Madras Children Act, 1920, of the Bengal Children Act, 1922, and of the Bombay Children Act, 1924.
- (6) A Bill further to amend the Indian Ports Act, 1908.

THE INDIAN NATURALIZATION (AMENDMENT) BILL.

INCLUSION OF MR. H. TONKINSON'S NAME IN THE SELECT COMMITTEE.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : With your permission, Sir, I wish to correct
12 Noon. a regrettable mistake that occurred yesterday. I wish to include Mr. Tonkinson's name in the Select Committee on the Naturalization Bill. I move therefore that his name be added.

Mr. President : The question is :

“ That Mr. Tonkinson's name be added to the Select Committee on the Naturalization Bill.”

The motion was adopted.

THE LEGISLATIVE MEMBERS EXEMPTION BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move :

“ That the Bill to confer certain exemptions on Members of legislative bodies constituted under the Government of India Act be taken into consideration.”

When I moved for leave to introduce this Bill I explained its genesis to the House. It arose as a side-issue of the Reforms Inquiry Committee's Report. The proposal was originally the work of a sub-committee presided over by Sir Tej Bahadur Sapru and the recommendations of that sub-committee were subsequently accepted by the whole body of members. The Bill confers two privileges on members of legislative bodies constituted under the Government of India Act. In the first place, it exempts them from liability to serve as jurors or assessors. That is effected by clause 2 of the Bill which amends section 320 of the Code of Criminal Procedure, 1898. The only criticism which has been made to me privately on that particular clause is that we are reducing the number of people available to serve as jurors and assessors; whereas the number available in some parts of India at any rate is not too great. I have considered that point. It would practically only mean a very small elimination and I reject the criticism.

The second effective clause of the Bill exempts members of legislative bodies from arrest and detention by civil process at the time of the meeting of those bodies and also of committees of the particular legislative bodies in question. That is the effect of clause 3 of the Bill which inserts a new clause in the Code of Civil Procedure, 1908. I do not think I need do more than point out that the exemption is not only for the actual meeting or sitting of the Committee but is for a period of 14 days before and after the meeting or sitting as the case may be. I need not detain the House further at this stage. I move, Sir.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill be passed.

The motion was adopted.

THE SIKH GURDWARAS (SUPPLEMENTARY) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move :

“ That the Bill to supplement certain provisions of the Sikh Gurdwaras Act, 1925, be taken into consideration.”

The object of this Bill, as I explained when I moved for leave to introduce, is to validate certain provisions of the Sikh Gurdwaras Act, an Act which has been passed by the Punjab Legislative Council and contains certain provisions which, in our judgment, are beyond the legislative power of that Council. I need not, I think, detain the House by going through the individual provisions. It will be sufficient for me to point out that some of the provisions at any rate confer jurisdiction on the High Court. We have always held, and we have been so advised, that that exercise of legislative power beyond the jurisdiction of the local Legislative Council. It is for that reason I am moving this Bill to-day for consideration.

Baba Ujagar Singh Bedi (Punjab : Landholders) : Sir, I rise to give my support to the Sikh Gurdwara Validating Bill which has been proposed by the Honourable the Home Member. In doing so, Sir, I should naturally like to say a word or two on the subject. In the first place, I do not know whom should I congratulate for the free passage of this Bill in the Punjab Legislative Council—the Government or the Sikhs. I think I should congratulate them both,—I congratulate the Government that by giving their support for the free passage of this Bill, they have cleared the embroiled atmosphere of the Province and have resuscitated peace and equanimity in the country and have equally removed the long-standing agitation of the Sikhs ; to the Sikhs that through their sacrifice, perseverance and combined effort they have been successful in their objective. Again I should congratulate the Government, Sir, because they have very rightly been able to keep their control or their hand over the income or the accounts of such Gurdwaras. Sir, if that was the underlying principle of the Sikhs,

[Baba Ujagar Singh Bedi.]

to take the Gurdwaras into their control, undoubtedly, Sir, for them it is a singular victory. Sir, where a man is entitled to any credit, he is equally entitled to criticism, if any. Before I proceed any further, I am reminded here of an episode in the regime, if I rightly remember, of Mahmood Ghuznavi. An old woman approached him with a complaint that her son had been robbed and plundered by a gang of bandits. Mahmood replied that he could not undertake an expedition on account of her son, who had been robbed at such a great distance. The woman entreated that if he was not prepared to protect his subjects from aggressions and depredations, why had he taken the suzerainty of that part of the country. The words so touched him, that he at once ordered his commander-in-chief to march with his troops to that part of the country and bring the freebooters to book.

Sir, I have read some of the interesting debates which took place in the Punjab Legislative Council in connection with the Gurdwara Bill and I came across a passage which I shall read now for the information of the House. These are the words of the Honourable the Chief Secretary to the Punjab Government. He says:

“The second principle is that in a matter of this kind in which the feelings of the whole of a community are deeply stirred, the will of the majority must in the end prevail, no matter at what cost of interference with vested rights or with prescriptive rights to property. There is probably no one in this House who is more loath than myself to disturb vested interests or the rights in property, but I recognise that in this instance we are up against a situation where nothing else is possible and where, to put it bluntly, the minority must go to the wall.”

Now, Sir, there are various books written on *Raj-neeti*, what is called in English, politics, in Sanskrit, Hindi Bhash and in Persian, and they all teach us that the presence of a monarch is entirely to protect the interests of the minorities and that is the fundamental principle of all Governments. Sir, the Honourable Sir John Maynard in his speech has very rightly endeavoured to defend the speech of the Honourable the Chief Secretary of the Punjab Government. I shall read it for the information of the House. He says:

“This Bill abounds in proofs of the desire of the framers and of the Government which is behind the framers to support and defend the interests of the minorities. Let me make it plain at once that I could not have reconciled it with my conscience if this principle had not been fully observed and fully carried out in the Bill. Let me remind the House that the Bill incorporates many safeguards which are evidence of our intention to see that the rights of the minorities are defended.”

Now, Sir, I do not like to enter into the details of the Bill; but as far as I have seen it, there is no special constituency for Udasis, for Nirmalas, for Sodhis and for Bedis who form the minorities in the Punjab. But, Sir, after all, all is well that ends well. I must congratulate His Excellency Sir Malcolm Hailey, once our colleague in this Assembly, that he has been successful in straightening the tangle of the Sikh problem in the Punjab.

Before I conclude, I would like to say one word with regard to the Sikhs. What have they taught to the world? They have taught to the world the great doctrines that they have learnt from the Holy Scripture of Guru Granth Sahib that *man jite jag jit*, which means that if you can conquer your mind, you can conquer the whole world. They have shown to the world that by sacrifice, combined effort, and unity, you can gain

anything in the world that you like. With these words, Sir, I support the motion made by my Honourable friend, the Home Member.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, it gives me great pleasure to be for once at least entirely at one with my Honourable colleagues on the Treasury Benches. It is indeed a happy day when the seal of finality is to be put on a measure which meets and solves the just needs and requirements of the valiant Sikhs. Sir, for about four years a bitter tug of war was being witnessed by helpless India that felt for the suffering Sikhs who had to bear untold and unparalleled hardships before the end of their troubles was in view. The unfortunate happenings at Nankana, Bhai Pheru, Jaito and in a number of other places, though hard to forget, meet their mitigation in the recent Gurdwara Bill passed unanimously by the Punjab Legislative Council.

The Gurdwara Bill passed by that Council in my opinion goes quite far. Firstly, it provides for the passing of the Sikh Gurdwaras and shrines from the possession and control of individuals into that of the Sikh community; secondly, it provides for the Sikh community to manage their shrines through committees and boards elected on a practically universal adult suffrage. The Bill also provides for the proper keeping of accounts of income and expenditure of places of worship, and that the accounts shall be periodically audited and shall always be accessible to the Sikh worshippers at the shrine. Lastly, it provides that the Sikhs shall have full powers of control and supervision in the internal administration of the shrine. This is so far as the Act goes.

Now, what is the Bill now before us for consideration? This is nothing but a supplementary Bill to the Gurdwara Act which has been passed just recently by the Punjab Legislative Council. What does it propose to enact? It makes provision for a number of items that the local Legislative Council was incompetent to enact, and the last part of the Statement of Objects and Reasons clearly states this. It is said there :

“ The Bill proposes to amend the Act where necessary, and to validate those provisions which are *ultra vires* of the Punjab Legislative Council.”

This being so, I do not see that there should be any difficulty or trouble in passing this Bill, and passing it unanimously. So far, Sir, with regard to the Punjab Act and the Bill now before us for consideration.

In supporting this motion which is now before us, I must take this opportunity of thanking and congratulating both the Punjab Government and the Government of India on the happy ending of a very unpleasant episode in the history of the Punjab. The Sikh movement lately set on foot resulted in much suffering to the erstwhile, loyal and very trusted Sikhs. It is therefore a matter of great satisfaction, that now those troubles have come to an end, if not in whole at least partially and to a great extent, and that the affair has been settled in a way which is, to my mind, as dignified for the Sikhs as for the Government.

Sir, after saying all this, I must make one more observation in connection with the settlement of the affairs of the Sikh community. Here again I cannot do better than quote from the speech of His Excellency the Viceroy at the inauguration of this Session of the Indian Legislature. This is what His Excellency said :

“ A Bill will be laid before you in the course of the present Session, the object of which is to validate such of the provisions of the Punjab Act as are beyond the

[Khan Bahadur Sarfaraz Hussain Khan.]

competence of the local Legislature, and I am confident that a measure which offers so fair a prospect of a practical and equitable settlement of a momentous and complex issue and which is supported by so weighty a body of public opinion will receive also your ratification and endorsement."

So we are going to support this measure, and I hope unanimously. Further on, His Excellency says :

"I trust that your deliberations will complete a legislative Act which will not only afford a just and satisfactory solution of the matters it expressly contemplates, but will also contribute powerfully to the reunion and reconciliation of diverse aims in other spheres of interest which we all have equally at heart."

I may here say one word with regard to the satisfactory settlement of this long standing dispute between the Sikhs and the Government, and that is about the condition that has been imposed on the imprisoned Sikhs before they are released. Although I am a Muhammadan, and may not be expected to be concerned with the affairs of the Sikhs; I feel that as Indians we all ought to be thankful to Government for the wisdom they have shown in coming to the decision in this matter. But I think it would have been better and more graceful both on the part of the Government of India as well as on the part of the Government of the Punjab if no conditions had been imposed on the Sikh prisoners. The law is there, and if a person contravened it, he could be brought to book. Therefore, there appears to be no reason whatsoever why only by putting a small condition you should be decreasing the pleasure of the good that you are doing. With these observations, I wholeheartedly support the motion which is before the House, and I hope it will be unanimously passed.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I have great pleasure in supporting the motion made by the Honourable the Home Member which is now before the House. I congratulate the Government of India and the Government of the Punjab, and particularly His Excellency Sir Malcolm Hailey on the passing of the Gurdwara Act, and I also congratulate my Sikh friends who have been fighting for Gurdwara reform since 1920. Now, Sir, during these five years, there were three attempts made to pass a Gurdwara Act. The first attempt was made in 1921, when the Government proposed a certain measure, but finding that it did not satisfy Sikh opinion, they dropped it. The second was in 1922, when the Government passed a Gurdwara Act in the teeth of the opposition of the Sikh and Hindu members, and the Act remained a dead letter. Sir Malcolm Hailey saw the wisdom of accepting the main principles for which the Sikhs contended. He saw the wisdom, in spite of some of his previous utterances, of yielding to Sikh public opinion in the matter of the religious reform and management of Sikh Gurdwaras, and he most certainly deserves our congratulation upon the course which he has pursued. The Sikhs have had to carry on a terrible struggle during the last five years to achieve the result which they have now achieved. It is true that some of them have expressed the opinion that the Bill has a few shortcomings. It is also true that there are others like my friend on my left, Baba Ujagar Singh Bedi, who are not satisfied with all the provisions that have been embodied in the Bill. But as my Honourable friend Baba Ujagar Singh Bedi has said, all is well that ends well, and the fact that the Sikh, Hindu and Mussalman Members of the Punjab Legislative Council unanimously accorded their support to the Bill is a fact which has its own importance. Therefore, Sir, I heartily join with my friends in congratulating His Excellency Sir Malcolm Hailey

upon the wisdom which he has shown in accepting the Bill and in seeing it through the Council.

There is one circumstance, however, to which I wish to draw the attention of the House. In the course of the debate on the Bill more than one Member of the Punjab Legislative Council expressed the hope that the Government would release those Sikh prisoners who had been imprisoned for having taken part in the Gurdwara reform movement and those who were under trial. No one has laboured to bring about the passing of the Gurdwara Bill more than Sardar Jodh Singh of Amritsar, and in concluding his remarks on the Bill, he said :

“ But I just want to draw his attention to the case of the second batch of prisoners of the Shiromani Gurdwara Prabandhak Committee. By law they ought not to be in prison. I know that the Government has made it clear that they will be released if they sent in a request. But, Sir, if law and justice demand that they should be released, why should the Government wait for a request from them ? If their compeers have been released by the High Court, I do not see why they also should not be released. I hope the Honourable Mr. Craik will not accuse me to-day at least of partiality because I was a prosecution witness in the case.”

“ I hope, Sir, this small request of mine will not go in vain.”

Another Member also gave expression to the same feeling in the course of the debate. That was Mian Shah Nawaz. He said :

“ Sir, I desire to express my opinion with regard to the Sikh Gurdwara prisoners. I honestly think that the prosecution against the members of the Shiromani Gurdwara Prabandhak Committee was most undesirable.”

and he expressed the hope that they would be released.

Now, Sir this was on the 7th of July, the day on which the Bill was passed. Two days later His Excellency Sir Malcolm Hailey addressed the Members of the Punjab Council on the subject of the Gurdwara Act. In speaking on it, he spoke at some length and with all the ability which God has endowed him with. Referring to the appeals to which I have referred and other similar appeals, he said :

“ Appeals have been made to us to remove the sting and to obliterate the memory of the differences of the last few years by a general amnesty to all prisoners and by the withdrawal of all pending prosecutions.”

Further on, after dealing with the matter of the appeal, His Excellency said :

“ The appeal is powerful. It is one which would carry force even were Government itself not anxious to work for that better understanding which we hope that the Bill would help to foster. We have considered that appeal anxiously and with every sympathy, nor did it seem right to miss the earliest occasion of acquainting the Punjab Legislature with our decision. I must remind you that the Bill has still to obtain the assent of the Governor General, and that certain of its clauses require validation by the Legislative Assembly.”

The Bill before us will secure this validation to the Act. His Excellency Sir Malcolm Hailey then went on to say :

“ The Punjab Government is, however, prepared to take at once such steps as it feels to be possible without risk to the maintenance of order, or of a recurrence of those troubles which it is our object to compose.”

Then he said :

“ But it is best that I read to you the precise terms of our decision. The Punjab Government will release (or will withdraw from the prosecution of) any person (other than those persons who have been convicted of or are under trial for crimes of violence or incitement to such crimes) who has been convicted by the criminal

[Pandit Madan Mohan Malaviya.]

courts, or is under trial in such courts, on charges arising out of the recent agitation in the Sikh community, or on charges involving offences against the Criminal Law (Amendment) Act.

“ Provided that ”—*and this is important*—“ Provided that such release will be conditional on such persons signing an undertaking that they will obey the provisions of the law recently enacted securing to the Sikh community the control and management of shrines and their endowments and will not seek by means of force, or show of force, or by criminal trespass to gain control or possession of any shrine or the property attached to it or its endowments.”

Now, Sir, this is what His Excellency said on the 9th of July last. The House will note the conditions he laid down, namely, that such release will be conditional on such persons signing an undertaking that they will obey the provisions of the law recently enacted, and secondly that they will not seek by means of force or show of force or by criminal trespass to gain control or possession of any shrine or the property attached to it or its endowments. Shortly after, the Shiromani Gurdwara Prabandhak Committee publicly accepted the Act, and passed a resolution saying that it would work the Act wholeheartedly. The leaders who have been undergoing trial in the Lahore jail for the last two years have also made a similar declaration.

The *Tribune* of August the 5th, says :

“ We understand on very good authority that almost all the Sikh leaders now confined in the Lahore Fort are agreed that Sikhs should wholeheartedly work the Sikh Gurdwaras Act, 1925. They have now actually passed the following resolution without a single dissentient voice :

‘ Resolved that in spite of certain shortcomings in the Sikh Gurdwaras Act, 1925, we appeal to the Panth to work it out wholeheartedly. At the same time we wish to make it perfectly clear that we are not prepared to come out by giving any undertaking as a condition of our release ’.”

Therefore, so far as the promise to obey the law is concerned, which is the first condition laid down by His Excellency Sir Malcolm Hailey, you have got it in the resolution passed by the leaders. They have appealed to the Panth to work out the Act wholeheartedly. I submit, Sir, that that secures the main part, the substantial part, of the conditions which the Government laid down. When you have got a unanimous resolution of the leaders appealing to the Panth to work out the Act wholeheartedly, I submit that that condition has been fulfilled.

Now, as regards the second condition, that they should give an undertaking that they will not seek by means of force, or show of force, or by criminal trespass to gain control or possession of any shrine or the property attached to it or its endowments, I submit the Government should waive it. When the Sikh leaders promise to work out the Act wholeheartedly, that implies that they will act under the law. Whatever shrines or Gurdwaras they took possession of in the early days of this movement have been secured to them by the legislation which the Government have accepted. If there was any irregularity or any violation of the law involved in the procedure adopted by any Sikh in the early part of the campaign, that has been fully condoned by the Government by the Act which has been passed. There is no reason to think now that there will be any such violation resorted to and to ask these leaders of Sikh public opinion to

sign an undertaking that they will not act against the law is, I submit, unnecessary. It is not only unnecessary, it is unjust to them, it is humiliating to them. This is not the impression of any one single man. It is the opinion of the community as a whole. I would draw the attention of the House, and of the Honourable the Home Member, to the resolution passed by the Shiromani Gurdwara Prabandhak Committee. They have passed a resolution saying that the conditions imposed are unnecessary, that the conditions imposed for the release of prisoners are unnecessary, unjust and derogatory, and they hold that no self-respecting Sikh can give the undertaking asked for. The leaders, therefore, are placed in this position. They have declared their acceptance of the provisions of the new Act. They have advised the Panth to work out the Act, from which it may be assumed that they will work out the Act when they come out. They have at the same time made it clear that they cannot purchase their release by giving such an undertaking as is asked for in the second part of the conditions laid down by the Punjab Government. The House will remember Sir, that these leaders include men of high positions in the Sikh community. One of them, Sardar Bahadur Mehtab Singh, was a Government Advocate for many years, and Deputy President of the Punjab Legislative Council for a long time. He and others carried on an agitation in order that they might get a control over their Gurdwaras; they have now obtained that control. They made great sacrifices in order to gain that control, and now when the Gurdwara Act has been passed, the hand of friendship ought to be extended to the Sikhs in all sincerity and warmth, so that the object which His Excellency Sir Malcolm Hailey has repeatedly expressed to be the object of his Government, and which His Excellency the Viceroy said was the object of the Government of India, may be fully achieved. So long as these leaders are not released, we may take it that the Act will not receive a fair trial. It is not likely that the Sikh community will go forward to work the Act while the leaders who fought for it, who worked for it, who sacrificed themselves for it, are still in jail. The House is aware that these leaders were arrested two years ago. For full two years they have been undergoing this harassing trial. Nearly 450 witnesses have been examined. The trial has cost a great deal of public money, and these gentlemen have been locked up in the Lahore Jail during all this time. Now that the Act has been passed, if the Government desire to obliterate all bitterness of memory, I submit a clear course is open to them. The leaders have publicly declared that they will give their wholehearted support to the law. That means that they will obey the law which has been laid down in the Gurdwara Act. Reason demands that the Government should now revise their opinion. In the speech which we had the privilege to hear on the 20th instant, His Excellency the Viceroy said:

"During the whole course of the events and controversies which have engaged public attention and sometimes, I regret to say, disturbed the public peace in the Punjab, the Government of the Punjab and my own Government have been animated by a constant and single desire to promote by every means in our power a stable, an equitable and a friendly settlement of all the matters in issue, which shall do justice to the claims of all the interests legitimately concerned and which, in particular, shall restore the traditional relations of good understanding and mutual confidence between Government and the Sikh community. It is my belief that those relations, glorious in war and 'no less renowned' in peace, whatever misunderstandings have arisen and whatever unfortunate incidents have occurred have never in truth suffered more than a partial and temporary disturbance, and I welcome every prospect of their complete renewal and consolidation."

Now, Sir, I plead that this complete renewal and consolidation demands that these prisoners should be released and that the trial should be

[Pandit Madan Mohan Malaviya.]

ended. As both, His Excellency the Viceroy and His Excellency Sir Malcolm Hailey have fully acknowledged the value of the friendship of the Sikhs, it may seem unnecessary to remind this House and the Government of what Government owe to the Sikhs. But perhaps it will not be out of place to quote in this connection a passage from a speech of Sir Michael O'Dwyer when he was Governor of the Punjab. Speaking in 1917, Sir Michael O'Dwyer said :

" In the Great War the number of Sikhs in the army is now believed to exceed 80,000, a proportion far higher than in the case of any other community.....

" The Sikhs have always been particularly famous in arms ; the battlefields of Mukki, Ferozshahar and Sabraon are there to remind you of the gallant struggle which the Khalsa fought against the British 70 years ago. In the Mutiny 10 years later there are the traditions of the splendid service of the Sikhs on the British side. Since the Mutiny there have been campaigns in all quarters in which the Sikhs have taken their part ; and there are the traditions come down through the Second Afghan War of 1879-81, through Egypt and Sudan to the Tirah campaign of 1897 ; and we have the Saragarhi memorial to remind us of the splendid heroism of the 36th Sikhs on the Samana. That glorious episode has now been surpassed by the immortal record of the 14th Ferozepore Sikhs at Gallipoli in June 1915.....

" You have appropriately quoted the historic passage which commemorates the great deeds of the 14th Sikhs at Gallipoli on 4th June 1915, when that gallant regiment was almost annihilated. They died a glorious death, but their memory survives as a splendid illustration of Sikh tenacity and Sikh heroism ; and I hope that some day—and that before long—their great achievement will be commemorated in the same way as that of the heroes of Saragarhi. It is an admitted fact that the Sikh spirit instead of being daunted by that terrible sacrifice of Gallipoli was roused thereby to a higher pitch of martial ardour. I remember well that when the news was made public numbers of my Sikh friends came to see me not with sorrow but with a feeling of pride at the heroic sacrifice, and it is a matter of history that from that day the Sikh eagerness for recruiting received its strongest impetus. That, gentlemen, is the true spirit of an indomitable race which fears only disgrace but is proud of an honourable death, that is the spirit which has enabled your committee not only to fill the gaps made by the war, but to provide thousands of fighting men over and above, that is the spirit which in the concluding words of your address will enable you to keep on sending ' men to the army in ever-increasing numbers till victory is achieved '."

That was said in 1917. A year later when the war was over, Mr. Lloyd George, speaking as Prime Minister, of the services of Indians in the House of Commons, said :

" We have had four years of great brotherhood. Let it not end there."

I say, Sir, to the Government, let not the camaraderie which has grown up among the Sikhs and our British fellow subjects not merely during four years of war but for decades, for more than a century, end where it stands at present. Here is a case in which the Sikhs, owing to their desire to obtain control over their religious endowments, have carried on an agitation for years ; they have made great sacrifices ; thousands of their men have gone to jail ; thousands have suffered in many other ways. At the end of four years the Government have recognised the justice and wisdom of acceding to the principal demands for which they have been fighting. When the Gurdwara Act was passed, one would have expected that all the grateful recollection of the camaraderie between the Sikhs and the English would enable the Government to declare that there was an end to all the differences between them and the Sikhs, that all those prisoners who are now undergoing imprisonment and have not been guilty of any violence or incitement to violence, would be released, and that the case which has been dragging its miserable length for the last two years, during

which period the flower of the Sikh community have been confined to the Lahore Jail would be ended. That was what was expected. That is what we still expect of the Government. The Government have a great opportunity of showing that their friendship is real, that their declaration of a desire to restore normal and friendly relations with the Sikhs is real, and I submit, Sir, that this opportunity should be utilised. I again thank the Government, I congratulate them, on having acceded to the demands of the Sikhs to the extent they have. But let them recognise that until these leaders are released, the Act will not have a fair trial and that the atmosphere in the Sikh community will not come back to normal. That would not be a desirable state of things. The Government will lose nothing by being generous. The Government have before them the resolution passed unanimously by the leaders that they will work the Act wholeheartedly. Let them accept it as a sufficient assurance on the part of these leaders that they mean to give their best support to the Act, and remembering all the camaraderie they have had with the Sikhs, let them not seek to humiliate their leaders by insisting upon their giving an undertaking that they will not behave as criminals. Let the Government treat them as gentlemen and they will find that they are true gentlemen, and in that case the Government will have achieved an object on which they might well be congratulated. If, on the other hand, the release does not come about, if the trial drags on its length, what will be the result? I have appeared in this case for some of the gentlemen who are being prosecuted. As I have said, between 400 to 500 witnesses have been examined. The case has gone on for two years. These men have practically suffered imprisonment for 2 years. They may suffer imprisonment for another year. They may be kept in prison for another five years. But I know them. I can say that they will not give that undertaking which they consider will be humiliating to them. And what is the task, in such a position, of a friend, of a true friend, who recognises that it is a friend whom he asks to give such an assurance, who has been a comrade in the field, has been a loyal and steadfast supporter of the Government? I say, the duty of such a friend is to say, "Very well, I thought you would not take it amiss, but if you do not like to give the undertaking which you have been asked to give, we accept the assurance which your public declaration, your past deeds, which your history, which the past history of your community, gives us; we release you and we wish you and ourselves to be once again friends, comrades, fellow-subjects, working for the good of the Empire, working for the honour of the King-Emperor and for the good of this ancient land." If the Government will adopt such an attitude, there will be a feeling of satisfaction throughout the country, not merely among the Sikhs, but throughout the country among all classes and communities which inhabit this land, and it will redound entirely to the credit of the Government. I make a strong and earnest appeal to the Honourable the Home Member to represent this matter to the Government in its proper light, and to see that the passing of the Gurdwara Act bears its expected fruit, that it is not made fruitless like its predecessor, and that the relations between the Government and the Sikhs are again restored to their normal condition, redounding entirely to the credit of the Government.

Lala Duni Chand (Ambala Division : Non-Muhammadan) : Sir, I rise to support the motion to consider the Gurdwara Bill. So far as the provisions of this Bill are concerned, they are only of a validating and

[Lala Duni Chand.]

supplementary character, and there is nothing to take exception to them. I generally associate myself with what has been said by my Honourable and distinguished friend Pandit Madan Mohan Malaviya in the most beautiful words which he alone can command. I want to utilise this occasion not so much for supporting this motion, which I could do by merely voting, but for a different purpose. There is no doubt that the Sikh problem had been a disturbing factor in the situation of the Punjab for the last 3 or 4 years. So far as the solution of the problem is concerned, undoubtedly the Sikh community has made the greatest contribution. They have added by reason of their sacrifices a glorious chapter to their own history. At the same time it is also a fact, and to this extent we should be grateful to the Punjab Government, that the Government of Sir Malcolm Hailey has made an earnest and serious effort, though after four years, to solve this problem. It is also a fact that the sister communities in the Punjab, the Hindus and the Muhammadans, have fully co-operated with the Sikh community in solving this knotty problem. Both inside and outside the Punjab Legislative Council the Hindus have gone in certain ways even out of their way in supporting the Gurdwara Bill that has been recently passed in the Punjab Legislative Council. That really shows a feeling of nationalism in the Punjab. The Punjab as a whole thought it its duty to solve the problem. It was with that sense of responsibility that all the Hindus and Muhammadans came forward to support the Sikhs in the solution of the problem. It was expected under these circumstances that the Government would be generous enough, and would be ungrudging in their attitude towards the solution of this problem. It was expected by all of us, as the saying goes, that the Sikh community would soon reap the full fruit of the sacrifices which they have made. But an obstacle has been created and I think the Government are responsible for that. My own conviction is that unless and until the Government release unconditionally every Sikh prisoner, there can be no solution of the problem. Now the Punjab Government is insisting upon the unreasonable condition of taking a written undertaking from the Sikh prisoners before they can release them. So far as the Government's own attitude with reference to the Gurdwara Bill is concerned, that really makes it unnecessary to insist upon any such written undertaking. The whole Sikh community and the Sikh leaders, including those leaders who are in jail, have made it emphatically clear that they are prepared to carry out the Gurdwara Act and make it a success. When the attitude of the whole of the Sikh community and of the Sikh leaders is clear there are no reasons why Government should be so unreasonable as to insist upon that undertaking. A resolution has appeared in the *Tribune* of the 5th August 1925 which was passed by the Sikh leaders inside the walls of the jail, that they have decided to work the Sikh Gurdwaras Act. When even a formal undertaking has been given by the Sikh prisoners, there are no reasons why the Government should insist upon a written undertaking. But what is the object of Government in asking for it? Government have been always suffering from a certain kind of disease. What is that disease? That is the fetish of prestige. Government know that the Sikhs have accepted the Gurdwaras Act and that they are going to work it, but at the same time Government want to maintain their prestige though in this case it was quite unnecessary. I should think that in view of the sacrifices that have been made by the Sikh community and by their venerable

leaders, the Government should have been more generous than they are inclined to be.

I cannot let this occasion pass without bringing one fact to the notice of this House. A most saintly character in the person of Sardar Kharak Singh who is revered not only by all the Sikhs but also by all good Hindus and by all good Muhammadans is still in jail. With regard to this gentleman a Resolution was passed about eighteen months ago, immediately after the opening of this Assembly, and Sir Malcolm Hailey, who was then the Home Member, promised to consider the case of this gentleman. Full 18 months have passed and Government have trodden down upon the feelings of the entire Sikh community and upon those of other patriotic people. Can Government hope to ease the situation by keeping men of the character of Sardar Kharak Singh in jail? A splendid opportunity had arisen for Government to release all those people who have suffered in their cause. It is not too late for Government even now to mend matters. I wish very much that the Government may take a more generous attitude in this respect, and by releasing unconditionally all the Sikh leaders, solve the problem. I resume my seat in the hope that this wish of mine will be considered most sympathetically.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : I do not desire, Sir, that on this occasion we should strike any note of a jarring character. The Gurdwara Bill has been passed with the entire approval of the Sikh community. I do not wish here to apportion the credit. I have no doubt that both the Government and the leaders of the Sikh community have worked with one desire to bring about a settlement. Sir, the question before us to-day is this Bill. I am sure the House approves of this Bill. Therefore, so far as this Bill is concerned, there is nothing against it and we congratulate Government upon having brought about this settlement and we willingly approve of this Bill. Therefore, there is only one matter which it is necessary for us to represent to Government, and my Honourable friend the Home Member, who I know has taken the keenest and most earnest interest in bringing about this settlement will consider it favourably. I also know, Sir, that His Excellency Lord Reading showed the greatest sympathy and anxiety to bring about an honourable settlement with the Sikh community. That being so, we here wish not only to bless this Bill but we rejoice that this great problem which affected the Punjab has been solved.

Now, Sir, the question which remains to be considered—and I hope the Honourable the Home Member will disregard any remark which has been made by any previous speaker which might have provoked him—is, that Sir Malcolm Hailey in his speech desired to follow a procedure which laid down a condition of release of certain prisoners, which condition has already been read by my Honourable friend Pandit Madan Mohan Malaviya. Now we also know, and I think Government will not challenge the statement which has also been read by my Honourable friend Pandit Madan Mohan Malaviya, that the Sikhs themselves, and the Akali leaders, have passed a Resolution and that Resolution clearly shows that they are quite willing to work this Act. I will once more read that Resolution in order to concentrate the attention of the House on that Resolution :

“Resolved that in spite of certain shortcomings in the Sikh Gurdwara Act of 1925, we appeal to the Panth to work it wholeheartedly. At the same time we wish to make it perfectly clear that we are not prepared to come out by giving any undertaking as a condition of our release.”

[Mr. M. A. Jinnah.]

Now, Sir, the condition of their release which is desired by the Government of the Punjab, as stated by Sir Malcolm Hailey, is—I once more bring this to the notice of the House—as follows :

“ The Punjab Government will release (or will withdraw from the prosecution of) any person (other than those persons who have been convicted of, or under trial, for crimes of violence or incitement to such crimes) who has been convicted by the criminal courts, or is under trial in such courts, on charges arising out of the recent agitation in the Sikh community, or on charges involving offences against the Criminal Law Amendment Act.

Provided that such release will be conditional on such persons signing an undertaking that they will obey the provisions of the law recently enacted securing to the Sikh community the control and management of shrines and their endowments and will not seek by means of force, or show of force, or by criminal trespass to gain control or possession of any shrine or the property attached to it or its endowments.”

Sir, I appeal to the Honourable the Home Member, I appeal to the Government of the Punjab and I appeal to the Government of India, to consider whether they think that, in view of the facts which I have already placed before this House, it is desirable that you should insist upon this condition ? I am sure that if the Honourable the Home Member will carefully consider the matter he will agree with me that in view of what I have stated, in view of the position taken up by the Akali leaders and in view of the position taken up by the entire Sikh community with regard to this Gurdwara Act, there is not the slightest apprehension that any of these men who are now in prison are likely to oppose this Act or likely to resort to any violence or force and destroy the effect of this Act ? Well, personally, Sir, I am convinced that none of them will resort to such a position or such an action. Then, may

1 P.M.

I appeal to Government not to insist upon this condition ? I do expect on this occasion the Honourable the Home Member to give some expression of opinion in order to meet the situation. The feeling is that if you now insist upon this condition it can be construed to mean—I do not suggest for a single moment, Sir, that it is the intention of Government—that Government desire to humiliate the Sikh leaders. I hope that the words of His Excellency Lord Reading which were uttered in this House in his address to the Members of the Legislature recently will be remembered, and, if you really wish to give effect to those expressions and those desires, then I appeal to you not to insist upon this condition.

Several Honourable Members : I move that the question be put.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural) : Sir, I did not think that it would have become necessary for Members of this House to make the observations they were compelled to make at this last stage of the Bill. I thought that the Government of India would have had sufficient imagination to release all the political prisoners before coming to this House and asking us to pass a Bill of this kind. The Government of India are aware, even as the people outside this House, that this Bill is the result of the agitation that the Sikh community put up. Officials in their speeches elsewhere have recognised the fact that the Sikh community did put up a fight and I believe that by their action they have acknowledged that they were prepared to meet the fighters somewhere half-way. At such a time it appears rather mean for a Government, which ought to be large-hearted in dealing with

a large question, to keep the prisoners in jail and say, " We will release you at the point of the bayonet of an apology. You apologise, give an undertaking, promise to support this Bill, sacrifice your convictions and then we will release you ".

Sir, it is a magnificent speech that Pandit Madan Mohan Malaviya delivered but he hesitated to describe the action of the Punjab Government as " melancholy meanness ". I am sorry, Sir, that I have to characterise the action of the Punjab Government as melancholy meanness because I know the present Governor of the Punjab happens to be a gentleman. He was the Leader of this House and he ought to have known from the discussions in this House, from his knowledge of public opinion in the country that India will not accept such a thing as asking an apology of really good people in the country,—the flower of the land,—to apologise, to come out and to work the reforms. If the Government thought that the Gurdwara reforms are good, as I believe they do think the reforms are good, they should not meanly ask these people to give an undertaking to work the reforms. Sir, I should have hesitated to talk in this strain. I would not have talked in this strain if I really felt the Government meant to work the Bill. If I may say so, it looks as though the Government do not mean to work this Bill.

Pandit Madan Mohan Malaviya : You are wrong. How do you know ?

Mr. C. S. Ranga Iyer : The Honourable Pandit is a good old Moderate steeped in faith in the Government. I do not have that faith. (*A Voice :* " But I have faith.") It is the very action of the Government that deprives me of that faith. The Sikhs put up a fight. They suffered. They sacrificed. I know Pandit Madan Mohan Malaviya does not know what it is to live in jail. It is all very well for him to come and say in this House " I have faith ". If I had that faith, I would not have talked in this strain (*Pandit Shamlal Nehru :* " We are not discussing the action of the Government.") I am discussing the action of the Government in asking these political prisoners to give an undertaking before they come out to work this Bill. This is certainly not the manner in which to approach a great problem. The Government lack imagination. They lack statesmanship. If they really wish that this Bill should be worked in an atmosphere of good-will, if they do not want that the Sikhs should once again put up a bigger fight, if they do not intend to strain the quality of mercy, they will have as statesmen to release these political prisoners unconditionally.

I do not ask for a favour. I ask for a right and I also ask the Government of India and the Government of the Punjab to follow the traditions established in the Punjab. And what are those traditions ? You all remember how before the Amritsar Congress, how on the eve of the Amritsar Congress, the martial-law prisoners were unconditionally released. The Sikh offenders in the jails are not greater offenders in the eye of the Government than the martial-law prisoners. When the martial-law prisoners some of whom were sentenced to transportation for life, were released unconditionally, you had some imagination. Why don't you follow now the traditions which you then set up ?

It was stated by Mr. Ramsay Macdonald and the late Sir Henry Cotton that the Governors of the Punjab were noted for " strength ". I

[Mr. C. S. Ranga Iyer.]

am afraid the present Governor of the Punjab has only been making an exhibition of weakness when he says to the brave Sikh prisoner, "Apologise, give an undertaking". Have not the Government sufficient courage to face these men of conviction? Where is the indication that they will not support this Bill? Judge them by the writings in the Press. Judge them by the Resolutions that the leaders have passed. Do you want to humiliate them? Do you want that they should lick the dust? That is what the Government of the Punjab want. Do not venture to humiliate us further and further. That is not a proper policy for a wise Government. Do not forget, you shook hands with the murderers in Ireland. The Sikh prisoners are not murderers. They are non-violent. You made Ireland a Free State, you gave Ireland freedom, but here in India. . . . (Laughter). You are laughing there, while the men in the jail are burning as in a furnace. (Pointing to the official Benches.) It is all very well to come and sit in those comfortable Benches and laugh—the loud laugh that speaks the vacant mind! Put yourself in the position of those political prisoners, feel as they are feeling. I know what it is to live in prison. I know what it is for a prisoner inside the cells to form a judgment on Bills of this importance. How can they form a correct judgment within the cell? You say, "acquiesce in our work, follow us". That is not statesmanship. It is political meanness. The Government of the Punjab and the Government of India ought to rise above this meanness.

The Honourable Sir Alexander Muddiman : This debate has turned from the subject matter of the Bill to a matter which is certainly analogous to that subject matter but is certainly not in issue on it. I understand that, so far as the Bill is concerned, the House endorses its provisions. It could hardly fail to do otherwise in the case of a Bill which His Excellency Sir Malcolm Hailey described as "a Bill promoted by the Sikhs themselves and accepted in this House by other communities with a cordiality which has obviated the necessity of a single dividing vote. It is freighted with the hopes of Sikhs for their future tranquillity and the religious security of their community. It is launched amid the fair auspices of good-will from others; but its success depends on the spirit and the temper in which Sikhs themselves approach the administration of its provisions." Now, the debate which has taken place in this House has taken two different channels. I will deal with the last speaker first. He charged the Government with lack of imagination. Sir, I regret I cannot charge him with lack of imagination. He has too much indignation. He talked of an apology. There was no question of apology in the undertaking (*Mr. C. S. Ranga Iyer* : "It is worse than an apology".) He talked about melancholy meanness—and that, Sir, in reference to His Excellency the Governor of the Punjab, that devoted public servant who has brought to a triumphant conclusion the difficult Sikh situation, which has been acknowledged by the House at large to have been the result of great statesmanship and of months of work, and he talked about melancholy meanness! That, Sir, is neither fair nor just.

Mr. M. A. Jinnah : It is eloquence.

An Honourable Member : It is absolute madness.

The Honourable Sir Alexander Muddiman : I now turn to the point that has been raised in the other speeches, I refer particularly to the speeches of my Honourable friend Pandit Madan Mohan Malaviya and my

Honourable friend Mr. Jinnah. They at any rate saw no melancholy meanness in the action of the Government. They were aware that on the day after this Bill was passed, His Excellency Sir Malcolm Hailey came and announced to the assembled Punjab Legislative Council terms which were received by the country and the Press generally as being liberal and generous. We are now told that these terms are humiliating. Now, Sir, whatever may be said on the merits as to the imposing of conditions, I cannot agree for a moment that the conditions were humiliating. Mr. Jinnah I think put it much more rightly when he said, "I do not contend that the conditions are humiliating. I say that they may be regarded as humiliating by those who are required to comply with them." There is, Sir, nothing humiliating in requiring one who has broken the law to say that he will refrain from committing further offences. You may not like having to do it, but there is nothing humiliating, degrading, in it.

An Honourable Member : What would you have thought if you had been imprisoned ?

The Honourable Sir Alexander Muddiman : If I was imprisoned and could get free by signing an undertaking of this kind, I should be out before tiffin. (Laughter.)

Pandit Shamlal Nehru : Have you inquired whether the prisoners have not given an undertaking to work the Act ?

The Honourable Sir Alexander Muddiman : Some of them have, and they are out.

Pandit Shamlal Nehru : Have they been released ?

The Honourable Sir Alexander Muddiman : Certainly those who have given an undertaking.

Sir, a moving appeal has been made to Government. It does not need the eloquence of Pandit Madan Mohan Malaviya to convince the Government of the services of the Sikhs. We know perhaps as well as the Honourable Pandit does what those services have been. It does not need a Muhammadan gentleman to draw our attention to the services of the Sikhs ; we know perhaps as well as Muhammadans what those services have been. But, as I have said, a moving appeal has been made, and although it is not possible for me to give any answer to it,—it is clearly impossible for me to do so—His Excellency the Governor of the Punjab, who has throughout this matter shown the utmost desire to restore peace and order, may be relied on to deal with that appeal in a sympathetic spirit in so far as circumstances permit him to do so. I will say no more on that point, and I trust the House will put the crown on the great work which has led to the Sikh Gurdwaras Act by passing this Bill without further discussion. (Applause.)

Mr. President : The question is :

"That the Bill to supplement certain provisions of the Sikh Gurdwaras Act, 1925, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill be passed.

The motion was adopted. (Applause.)

THE INSOLVENCY (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move :

“ That the Bill to amend the Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920, be circulated for the purpose of eliciting opinions thereon.”

I explained the main purposes of this Bill at the time I asked for leave to introduce it, and as my present motion is merely for circulation, I do not think I need detain the House. It is obvious that a change in the law in Karachi requires consideration by local authorities and that the amendments proposed in the penal sections of the Insolvency Acts require the opinions of Local Governments.

The motion was adopted.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move :

“ That the Bill further to amend the Legal Practitioners Act, 1879, be circulated for the purpose of eliciting opinions thereon.”

This Bill, as I explained when asking for leave to introduce it, is really based on certain recommendations of the Civil Justice Committee. I must say I should not be prepared to give entire assent to these propositions without further opinion, and it is for that reason that I think that they should be circulated so that we may obtain the opinions of Local Governments and High Courts on what may possibly prove to be a controversial matter. Sir, I move my motion.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I must express my astonishment that the measure now before the House is the result of the recommendations of the Bar Committee.

The Honourable Sir Alexander Muddiman : Pardon my interrupting the Honourable Member. It has nothing whatever to do with the recommendations of the Bar Committee ; it is based on the Report of the Civil Justice Committee.

Diwan Bahadur T. Rangachariar : I heard the Honourable Member on the last occasion say that this was the result of the recommendations of the Bar Committee, and I asked him a question whether this was the only piece of legislation arising out of that Committee's Report.

The Honourable Sir Alexander Muddiman : I will explain the matter. My Honourable friend no doubt did ask me that question but I entirely misunderstood him. When the report of the debate came to me, I noticed that he had asked me about the Bar Committee. I thought he was asking me about the Civil Justice Committee.

Diwan Bahadur T. Rangachariar : Sir, this is a Bill to amend the Legal Practitioners Act. The recommendations of the Bar Committee were recommendations in order to remedy defects in the existing law relating to legal practitioners. I am not at all opposing this piece of legislation on its merits. I am opposing this legislation as piecemeal legislation dealing with a subject which has been dealt with elaborately by a Committee appointed by Government, whose report has been in the hands of Government for nearly 18 months. What the Government have done on that report we have attempted to elicit, by questions in this Assembly. We have been promised legislation to give effect to the recommendations of the Bar Committee, but when that legislation is going to come, we do not know. Last September when I had my Bill on the agenda to amend the Legal Practitioners Act, I asked the Honourable the Home Member a question and I think the Honourable Mr. Tonkinson replied that they hoped to bring forward the legislation in that Session or in the Delhi Session. Now we have passed through the Delhi Session, and we are passing through the Sindh Session, and yet there is no sign of any Bill dealing with the recommendations of the Bar Committee. This matter has been before this Assembly and the last Assembly from 1921. It began with the Resolution of Munshi Iswar Saran. Then there were three Bills before the Assembly, one by me, another by Mr. Neogy and a third one by Mr. Agarwala. And these were held over in view of the appointment of the Bar Committee which went into the whole question and made recommendations. In fact, this matter dealt with in the Bill is a very very minor miscellaneous matter compared with the recommendations of the Bar Committee. The Bar Committee made substantial recommendations in order to abolish distinctions between vakils and barristers. The Bar Committee made recommendations for having only one grade of practitioners throughout even including the High Courts of Calcutta and Bombay, although they have made their submissions with reference to the original side practice as regards those courts. Having made those recommendations, what has happened? The High Courts are making rules. In Madras for instance rules have been made recently intensifying the distinctions. We had succeeded in abolishing those distinctions there practically but by virtue of the rules recently made by the High Court there is a temptation offered to vakils to become advocates, and in fact the position of advocate is being abused if not misused. Several people who were original side vakils now working in the same office call themselves advocates and perform almost the same functions as they performed before. Sir, I do think the Government have not treated the recommendations of the Bar Committee with that consideration which is due to them. And why there should be this delay in a matter of this sort where the matter has been so closely examined and the opinions of various High Courts taken, I fail to understand. Will the Government now at least say whether they have accepted the recommendations of the Bar Committee and propose to bring forward any legislation consolidating and amending the law to suit the recommendations made by the Committee. This is a very small portion of the Legal Practitioners' Act which is going to be amended. Why this attempt should be made when a wholesale revision of the Act is necessary, I fail to see. This matter can be dealt with when we are dealing with the wholesale revision of the Act which is bound to come before the Assembly. I hope the Government will not press this measure now but will wait till

[Diwan Bahadur T. Rangachariar.]

the wholesale revision of the Act is undertaken. I do understand that this touting system is an evil which is growing up in places where it did not exist. We ought certainly to prevent its taking root elsewhere. We, who are in the profession and who have to consider the honour of the profession, will lend our support to the up-rooting of this practice, but it is after all a very very minor matter compared with the major recommendations made by the Bar Committee, and I therefore ask the Government what they propose to do.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, may I know from the Honourable the Home Member why, when he introduces a Bill to imprison touts, he has not thought fit to punish the vakils who employ these touts ? Is it a case of analogy with adultery where the man is punished and the woman is not punished ?

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, the Honourable the Home Member has just stated that this Bill has nothing to do with the Bar Committee's report but that it proceeds from the recommendations of the Civil Justice Committee. May I draw his attention to the Statement of Objects and Reasons which appears over his signature ?

The Honourable Sir Alexander Muddiman : The Honourable Member may ; but our proposals are the result of what the Civil Justice Committee recommended. All the Bar Committee said was that touting was a great evil and they said they did not know how to deal with it. The Civil Justice Committee made definite recommendations. As regards the Honourable Member's remarks.....

Mr. K. C. Neogy : Sir, I have not finished. I merely gave way in favour of the Honourable the Home Member.

The Honourable Sir Alexander Muddiman : I did not know the Honourable Member was speaking.

Mr. K. C. Neogy : Well, turning to the Statement of Objects and Reasons we find that it begins by quoting the Bar Committee's report :

“ In their report the Bar Committee made the following observations in regard to touting, etc.”

Then comes the reference to the Civil Justice Committee :

“ The Civil Justice Committee also referred to the fact that, etc.”

I therefore think that the Honourable the Home Member must have forgotten what he had written in the Statement of Objects and Reasons of this Bill. When I first saw the Statement of Objects and Reasons, I thought the Honourable the Home Member had got hold of a very powerful microscope in order to be able to discover the most minute points in the Bar Committee report ignoring the more important recommendations of the Committee. I again thought that perhaps the latest approved method of considering a Committee's report by Government was to begin from the end of the report and then proceed backwards. I find that this report consists of 71 paragraphs—I am referring to the report of the Indian Bar Committee—the last paragraph is the usual one thanking the Secretary. I suppose the Honourable the Home Member has duly conveyed the thanks of Government to the Secretary. The next one is

No. 70 and that deals with the question of touting. Now, Sir, we have just come to the point of touting, and I think it will take at least one year or more for us to get to the main recommendations of the Bar Committee which precede this recommendation about touting. (*Mr. M. A. Jinnah* : " This is more urgent ".) It is more urgent, I think coming as it does about the end of the report. Now, Sir, this report runs to about 60 pages, and the observations about touting do not take up more than 15 lines. I think the Honourable the Home Member must have some peculiar sense of proportion in order to bring up this Bill before us to-day and postpone consideration of the main recommendations of the Bar Committee till perhaps the Greek Kalends. Sir, I want to remind the Honourable the Home Member very briefly of the history of this movement, because when this question was initiated in this House the Honourable the Home Member was enjoying a position of dignified repose in another place and had very little to do with the policy of the Home Department.

Now, Sir, the question first came up in the first Assembly in February 1921 in a Resolution which was moved by Munshi Iswar Saran. In 1922, in the month of September, I introduced a Bill to amend the Legal Practitioners Act in order to remove certain distinctions between vakils and barristers. That Bill was referred by the predecessor of this House to a Select Committee in March 1923. The Select Committee met in July 1923 and it was announced, for the first time, I think, at that meeting of the Select Committee that the Government had decided to appoint the Indian Bar Committee to go into the whole question and make recommendations. It was on that assurance that the Select Committee unanimously came to the conclusion that the Bill should not be proceeded with any further, and that is the reason why I, as the Mover of that Bill, did not take any further action in the matter. Now, Sir, the Indian Bar Committee has since made its report. As has already been pointed out, almost 18 months have elapsed since that report has been in the hands of Government. It is therefore not surprising that we the non-official section of this House should exhibit some impatience at the delay that the Government are making in bringing up the proposals of the Indian Bar Committee and placing them before us in the shape of a legislative measure. It was only last winter, Sir, that the Honourable the Home Member, if I remember aright, gave us almost a definite assurance that a Bill giving effect to the more important recommendations of the Bar Committee would be either introduced during the current session, or that the Bill would be published in the Gazette of India obviating the necessity of the first reading in this House. Neither of the two things has been done, and I take the opportunity afforded by this debate to ask the Honourable the Home Member to give a definite assurance that he is going to bring up this Bill before we disperse from Simla. Unless some such assurance is given, I am afraid I will have to vote with my Honourable friend, Diwan Bahadur Rangachariar, and oppose this motion.

The Honourable Sir Alexander Muddiman : Sir, I plead guilty at any rate to some delay in dealing with the Bar Committee recommendations ; but it is not so easy a matter as the House apparently thinks. The report of the Bar Committee had to be circulated to Local Governments ; it was so circulated and one important Local Government did not send

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in their reply actually till May of this year, that is, after the close of the Delhi Session. This and other reports raised questions of considerable difficulty which had to be looked into ; and although it is perfectly true that I did tell the House that I hoped to bring in a Bill during the course of this Session, the Bill is not yet ready. Still I am in hopes that I might be able to bring in a Bill before the House disperses at the end of this Session. To that extent I plead guilty ; but it is unfair—and my Honourable friend knows as well as I do it is unfair—to attempt to try and make capital in respect of this Bill out of the matter. Although my Honourable friend was very humorous as to the manner in which the recommendations were taken up chronologically, my Honourable friend knows seriously that there is nothing in this. These touting provisions do not arise out of the Bar Committee report. They must clearly be circulated ; they form part of the findings of the Civil Justice Committee and they were easily detached for separate treatment. They were proposals which evidently would require very full and careful consideration of the District Courts and Judges and other persons acquainted with the matter, and therefore we took this opportunity of bringing in this small Bill. I hope after this explanation the House will let me, at any rate, circulate this Bill.

Mr. President : The question is :

“ That the Bill further to amend the Legal Practitioners Act, 1879, be circulated for the purpose of eliciting opinions thereon.”

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move :

“ That the Bill further to amend the Code of Civil Procedure, 1908 (amendment of sections 102 and 103) be taken into consideration.”

I have received, since coming to the House this morning, notice of an amendment to my motion, to refer this Bill to a Select Committee. I admit, Sir, that on one point—the proposed amendment of section 102—although the proposed amendment is not perhaps of a very substantial nature, we ought not to belittle its importance and accordingly, Sir, I propose to accept the amendment to my motion. Sir, I move the motion in my name.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I move :

“ That the Bill be referred to a Select Committee consisting of Sir Alexander Muddiman, Diwan Bahadur T. Rangachariar, Mr. H. Tonkinson, Mr. H. Vishindas, Mr. Samiullah Khan, Lala Duni Chand, Mr. Amar Nath Dutt, and myself, the quorum to be four.”

Mr. President : I might inform Honourable Members that Members desiring to move motions or amendments on the spot will hand in a copy some time previously to the Chair. It would then be convenient for the Chair to put the question to the House in the proper form.

Mr. C. Duraiswami Aiyangar : I shall do so, Sir, hereafter.

Dr. K. G. Lohokare : I would like to suggest the addition of the name of Mr. Aney.

Mr. O. Duraiswami Aiyangar : I have no objection, Sir.

Mr. President : The question is :

“ That the name of Mr. M. S. Aney be added to the Select Committee.”

The motion was adopted.

Mr. President : The original question was :

“ That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration.”

Since which an amendment has been moved.

“ That the Bill be referred to a Select Committee consisting of Sir Alexander Muddiman, Diwan Bahadur T. Rangachariar, Mr. H. Tonkinson, Mr. H. Vishindas, Mr. Samiullah Khan, Lala Duni Chand, Mr. Amar Nath Dutt, Mr. M. S. Aney, and Mr. C. Duraiswami Aiyangar, the quorum to be four.”

The question I have to put is that that amendment be made.

The motion was adopted.

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

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move that the Bill further to amend the Indian Penal Code be taken into consideration.

Now, this is a Bill with which the House is fully familiar. I explained at some length when I moved for leave to introduce the Bill the reason why I had brought forward a Bill fathered originally by Sir Hari Singh Gour, and I made it clear then that I had not the faintest intention or desire to deprive him of the great credit which is due to him in having pressed on this Assembly in season and out of season the reform which he has so much at heart. The House has considered this Bill, or rather the proposal embodied in this Bill on many occasions. Its consideration always produces a discussion which is full of interest; it always calls forth a very wide division of opinion transcending the ordinary party divisions. We find the most unusual persons associated in the lobby. I cannot recollect any measure which divides this House more than on this question of the age of consent. The question is not a new one. It goes back to the period of the very first sedition trial in India which was caused, immediately by the passing of the amendment of the Penal Code known as the Age of Consent Act. Now, when a subject is of so much importance and when it touches so nearly the social life of the Indian Members of this House, it is obviously a matter in which caution and compromise should be the watchwords. Those words are never very welcome to a reformer, whatever the particular reform may be. Those who wish to go forward naturally dislike the counsels of those who do not wish to go forward. On the other hand, those who stand by the ancient ways dislike intensely the pressure which the reformer puts on them to go forward. They refuse it as wholly unjustifiable, and they are unwilling to embark on any advance at all. That,

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I think, Sir, is the case in regard to this Bill. If Honourable Members will take the trouble to examine the division list on the last reading of the Bill, which was thrown out at the last Session, they will find many curious surprises. They will find that people of varied opinions were in the same lobby, and that those who generally go together were separated. Now, I have made it quite clear whenever I have spoken on this measure, that the natural impulse of every Englishman must be to go forward, but the desire to go forward, at any rate of the Home Member, must be restricted by the caution which is necessary in dealing with a measure like this affecting the social life of the people. I should like to point out to this House that an amendment of the Penal Code which affects people from Cape Comorin to the Himalayas in a matter which touches not their relations with the Government, not their relations with other people, but their relations with their wives, is an extraordinarily difficult and delicate matter, and very well worth the serious consideration of this House.

Now, I have brought forward a Bill which embodies the conclusions of a very competent Select Committee which discussed this matter at great length. It goes as far,—and I would ask the House to bear this in mind,—it goes as far as the opinions of the Local Governments would justify. My Honourable friend Sir Hari Singh Gour might possibly attempt to controvert this, but I think that if any man looks at these opinions in a judicial spirit, he will see that the Bill which I have fathered, or rather step-fathered—(laughter)—is largely based on those opinions. I want to make it quite clear to the House that we on the Government Benches could not without further consultations with Local Governments and administrative officers accept amendments that went further than the Bill I have brought forward. I think it is better to make my position perfectly clear at the beginning on that point. There are a number of amendments, particularly those of my Honourable friend Sir Hari Singh Gour, to whom this matter is very dear, which would go further than the Bill I am putting forward. Now, I want to ask the House to look at the Bill from my point of view for a moment. There is a considerable body of conservative opinion in this House which is opposed to any advance at all; probably if they had their own way, they would wish to go back. There is a considerable body of opinion in this House, there are people who are naturally inclined to go much further or considerably further than the Bill I am bringing forward. Now, when you have got a position like that, what is the wise course to adopt? Surely, it is this: not to antagonise those who are opposed to you, not to triumph with those who support you, but try and find out a middle course which will commend itself to the more reasonable men on both sides. Now, I am particularly anxious to help to find a solution. I want to make that quite clear to the House, for I have received letters which suggest that I am a person who has been opposing any social step forward, I have read them with considerable amusement, because they have attributed to me motives which I certainly have not at all entertained. Well, now those who put forward this reform can do one of two things. They can either definitely antagonise those who are opposed to raising the age of consent in this Bill, or they can definitely recognise that the case is one for a compromise. Is the first the way of achieving any reform? Moreover, is it not by conciliating that conservative opinion that you can more fully attain the object you have in view?

I must tell the House quite frankly that, if it carries the amendments that are down in Sir Hari Singh Gour's name, I should take the Bill to the other place and I should try to have it circulated; because I should not feel that I was justified in accepting those amendments to which my mind—I will not conceal it from the House—is naturally inclined without consultation with Local Governments and Local Administrations. I will go so far as to say that I think that the amendments in Sir Hari Singh Gour's name are on the right lines. They institute a minor offence and, if Local Governments were to report favourably on them, well that would be another matter and—without committing the Government of India which I have no authority to do—I should personally be inclined to accept them.

Therefore, the position is this. It seems to me that the Bill I now bring forward is likely to pass if it is not amended. If it is amended, it may pass; but it will certainly not become law for a considerable period. This is a case where I would say to the conservatives on the one side, "You must recognise that you must go forward a little" and I would say to the advanced party on the other, "This is a case where half a loaf is better than no bread".

I hope I have made my own position quite clear. I stand by the Bill and I have indicated quite clearly the course I propose to follow. I hope the Members of this House in carrying the motion I propose will bear in mind the considerations that I have laid before them.

Sir, I move.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadian Rural) : Sir, I consider it my painful duty but a duty all the same to oppose the motion that has been put before the House in language which I am bound to confess is exceedingly conciliatory. But because I cannot give a silent vote upon this motion, holding strongly the opinions that I do hold, trained up in the convictions in which I am proud that I have been trained up, because I do not wish to give a silent vote upon a matter which touches so nearly not one, not two, but thousands and millions of lives in my country, I desire to oppose on principle and for the reasons that I shall presently lay before the House the motion that has been now presented before the House. I have been thinking over it very anxiously and I should like to oppose this motion on five grounds.

First, I would like to know what the real object of this Bill is. This Bill is a complex Bill. There is a portion of it to which very few of us are opposed and there is a portion—and that is just the pity of it, that the Bill does not differentiate between the objectionable portion and the non-objectionable portion—there is a portion of it which is very objectionable but which perhaps to those who are keen about it is the real portion of the Bill about which they are most particular. The real object of the Bill—I wonder if it is so—is to amend the law relating to what is really and truly the offence of rape. If that be so, if difficulties have been found in practice in administering the law as it stands with respect to that very heinous offence, if practical difficulties have been encountered and if the Bill is introduced to remove those difficulties, I for one should be the last man to object to the Bill. But what is sought to be done is to make that an offence which is not an offence now, to make that a crime which is not at present a crime, and which we are unable to regard as a crime, whatever may be the feelings of some few people to the contrary. Here is something superadded to the criminal law, a new crime created

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and a new punishment devised for that crime. Because that is the real object of the Bill and because, as I said the other day, I am one of those who feel that penal legislation ought not to be introduced for the indirect object of furthering social reform, on that ground, firstly, I oppose the introduction of this Bill. (*Mr. K. Ahmed*: "Is it not the law in England?") There may be many things happening in other parts of the world, but we have not got that law here. I am not going to concede that everything that is being done in England ought to be done here. Our ancient fathers had laws which, I consider, were superior to any laws that have been conceived in any part of the world, whatever may be the opinion of a few others to the contrary. It is open to others to hold a contrary view but they must not impose all the restrictions they like on those over whom they are set in authority. So far as their own country is concerned, they may want the law, but they are not entitled to impose that law on me and my children, and those who are of the same persuasion as I am. I ought certainly to voice an emphatic protest against instituting parallels between what is being done in other countries and what is right and proper here, for what may appear to some to be enlightened laws may after all appear to others to be very barbarous.

Sir, my second objection to this motion is this. This Bill was very seriously considered, discussed at great length and rejected only six months ago (*Voices*: "Not this Bill"—"On what grounds?")—on grounds which will be very patent to anybody who takes the trouble to read the proceedings of the House last March. It is not for me to traverse those grounds. Here is a Bill exactly the same or almost the same as the Bill that was considered by this House only six months ago. It was considered, I repeat, at great length, discussed then with all the vehemence and enthusiasm which my reformer friends can command now. They commanded the same enthusiasm, the same vehemence and eloquence then which they could command now, and this Bill was supported by them then with the greatest vigour, but it was rejected. Now, I ask Government what has happened in these six months, what has happened during the interval between March and now to induce the Government to reopen the question? What has happened to induce the Government to reopen this question—why do they reopen it unless it be that they want once more to open the flood-gates of Sir Hari Singh Gour's very ponderous and oscillating eloquence upon the appreciative ears of this House. If this is the only object, well we can tackle the problem pretty easily. But I do wish to know in all seriousness, what has happened since March last to induce the Government to bring forward this question. (*An Honourable Member*: "Since March you have become co-operators.") I think my Honourable friend there will soon have his own turn to give the world the benefit of his very wise reflections. He need not be over-anxious to inflict them so as to interrupt me. This is my second objection. We have already given it very careful attention and rejected it. Why should it come up again now? I am aware—and I believe the Honourable the Home Member referred to it—that there has been pressure brought to bear upon him by several classes of people and probably the attitude of the Government in rejecting the recommendations, and probably the action of Government was subjected to adverse criticism, and perhaps—I really do not know whether it has been addressed to the Honourable the Home Member individually or to Government—an appeal has been made to Government urging them to take up this very vital and serious piece of

legislation, possibly some letters have been received. I am aware there have been some meetings held in my own city of Madras, I am aware that there are plenty of busy-bodies in India who, when they have nothing better to do, engage in propagandas relating to the uplift as they call it of Indian society, such as for widow-marriage, against infant marriage, and similar things. These subjects afford ample opportunities for large numbers of people who have nothing else to do. For instance, I am perfectly aware that in Madras there is a Women's Association of which I believe some talented lady is Secretary, who is neither perhaps fully Indian nor fully European but by birth the latter and by adoption the former, who takes a very active part in the affairs of the Women's Association. I am pretty well aware of this. There may be others also who are very busy in urging upon Government and urging upon men, women, and if there is any other class of people,—upon all kinds of living beings in the world—the great evils that are happening in India under the existing order of things and how it is imperative on the part of one and all and sundry to see that all these objectionable evils are remedied. I am quite aware of that kind of thing. Unless some such pressure has been brought to bear, I really ask, "What has happened between March and September to force the Government to bring this legislation before this House?" (*An Honourable Member* : "Come to the point.") All these are points, I think. At any rate, they seem to me to be points. There is no reason why we should consider this Bill when we have considered it only six months ago. That is a point in my favour. What I urge is this. Probably Government have introduced this to wile away our time, to give us something to talk about. Government, of course, are not anxious about far more serious matters, which we urge upon them. Only this morning my Honourable friend Sir Charles Innes told us that Government are not going to pay any attention to a Resolution passed by this House unanimously, at least without a division. Indeed, where we are very serious, whether it is a matter of economic or industrial or political reform, where the whole House wants a certain thing, Government are very slow to move. We have been asking them many things for many years. My Honourable friend Sir Sivaswamy Aiyer has for years been asking that some advance should be made in the matter of giving some military training to the citizens of India; but Government will not move. This House has asked for the abolition of the cotton excise duty, but the Government will not move. This House has asked for so many other things, but Government find their hands and minds tied; and they will not move. But in the matter of this very mighty piece of legislation about girl-wives and girl-mothers and so on, Government are very willing to bring in a Bill within six months after it was once thrown out. They are very willing to accommodate some people. That is my third complaint. While far more serious matters are treated by Government with almost callous indifference, this matter is being brought up with great zeal simply to accommodate some people good enough in their own way, although whether they are accommodated or not will not seriously matter so far as the serious problems of India are concerned.

Fourthly, I come to the question of the opinions whether in favour of this Bill or against this Bill. The Honourable the Home Member, speaking last time in this House, said that there was a considerable volume of opinion against that part of the Bill which really matters. I should like to draw

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his attention—I am very sorry he is not here just now—once again to what he said in last March, because what he said last March is as true to-day, perhaps truer to-day, than it was in last March. The force of the arguments he advanced then has not been lost in any way. This is what he said in dealing with the various opinions upon this Bill that were received from the various provinces:

“ I now turn to a weighty opinion. Three Judges of the Calcutta High Court, two of whom are Bengalee Brahmans and the other is a Muhammadan, consider that there is no necessity of legislation so far as married persons are concerned, on the ground that society does not want it and it is against the religious ideal of the Hindus. The Sessions Judge of Delhi again is doubtful about raising the age in the case of the wife. The Government of Bihar and Orissa consider.....that there should be a pronounced volume of Indian opinion in favour of the proposal before legislation on the lines is undertaken. The Judges of the Patna High Court are divided. Representative Indian opinion and district officers are all against the proposal to raise the age within marital relations. The Bar Association in Assam... is also against a change in the age where married relationship exists.”—(*An Honourable Member*: “What page?”).—Pages 2827-28.—“The authorities of the North-West Frontier Province are against it. The Governor in Council of the United Provinces supports the Bill as amended by the Select Committee. The general trend of opinion in the United Provinces is against the proposal so far as married relationship is concerned. The Central Provinces Government state that officials and non-officials are strongly against any advance within marital relations.”

These, Sir, were the opinions which the Honourable the Home Member himself advanced in March last. So many High Courts, so many Associations, and even Governments are against these provisions of this Bill.

Mr. N. M. Joshi : They are busy-bodies.

Mr. M. K. Acharya : So far as the provision of the Bill in regard to marital relations are concerned, three Judges of the Calcutta High Court—I have summed them up—the Sessions Judge of Delhi, the Judges of the Patna High Court, the Governments of Bihar and Orissa, of Ajmer-Merwara, the North-West Frontier Province, the United Provinces, Bengal and Madras—all these responsible Governments and bodies are against the Bill so far as marital relations are concerned. Why should the Honourable the Home Member reintroduce the Bill without eliminating those portions which are objectionable even according to the very valuable and responsible opinion of all these responsible bodies? What objection was taken last March is reiterated to-day and I have not the slightest doubt that if these Governments were to be asked to-day, they would say to-day exactly what they said in February or March last. Therefore, I say, I do not know why the Honourable the Home Member has chosen to brush aside in September the considerable volume of opinion to which he gave weight in March last. (*Mr. M. A. Jinnah* : “He is wiser.”) Perhaps he has changed, but I do not know whether the change is for better or for worse. However, there is a change, and it is for the Honourable the Home Member to give us the benefit of how it is he has come to disregard the very considerable volume of opinion against the Bill which he then considered to be very weighty, and which he now considers not to be so weighty.

Fifthly, I come to this point, namely, whether the evil complained of in the Bill is really so great as to need the reintroduction of this very

weighty legislation within six months of what was done last March. What is the real evil that is sought to be remedied? I want to make it quite clear. I have nothing to say against raising the age so far as non-marital relations are concerned to 14 or 16 or even 21 for that matter. I do not believe that any father would like even a girl of 21 to sell her chastity. I do not believe that any father, anybody in whom throbs a fatherly heart, would feel that simply because his girl is 14 or 16, she can choose to go and live with any man that can successfully tempt her. Therefore, so far as that part is concerned, Indian opinion will wholeheartedly support any motion to the effect that it should not be open to anybody to come and say that because a girl is 14 or 16 or 18, a stranger can have undue approach to her and say that he does so with her consent. I am now talking, as I said, about the part relating to marital relations. What is the real evil that is sought to be remedied by this Bill? It is the prevention of girl-motherhood and girl-wifehood, they say. I should very much urge this upon my European friends; let them not think that every Hindu is committed to girl-marriage. Girl-marriage obtains only among very small communities. Among the Brahmans of Southern India I know it does obtain. We marry girls before they attain puberty. But the non-Brahmans have not got that custom. They may choose to do so if they like, but they are not bound to do it. Therefore, girl-marriage or child-marriage does not obtain among all Hindus but only among some small sections. And this is my point. Even among those sections where child-marriage used to obtain in the old days there is a gradual, a perceptible, a very considerable change coming. I am obliged to my Honourable friend Dr. Datta who gave the figures and statistics relating to this subject last March. Here are the statistics. The percentage of girls married between the ages of 10 and 15 is fast decreasing. Here are the statistics which he has collected. In Bombay in 1891, 660 out of 1,000 were married between the ages of 10 and 15, in 1901, 539, and in 1921, 548, and as he himself admitted on that occasion, in Bombay, therefore, within 30 years, namely, between 1891 and 1921 the number fell from 660 to 548,—a very considerable decrease, which shows that public opinion is already working, working vigorously, and bringing about very salient, very healthy and very appreciable results. In Madras it was 318 out of 1,000 in 1891 and 234 in 1921—a very considerable decrease again in the number of girls married between the ages of 10 and 15. In Bengal it fell from 621 in 1891 to 510 in 1921. In other words, within the last 30 years public opinion has been advancing and the number of girl-marriages has been considerably lessened. In fact, these are the figures of marriages between the ages of 10 and 15. But if we take the figures between the ages of 10 and 12 I dare say that the figures will be more enlightening still, the number of marriages would be far less numerous, they would be very few indeed. Now it is with respect to those girls between 10 and 12 who will become wives when they are 13 and 14 and perhaps mothers when they are 14 and 15—it is with respect to them that this Bill tries to bring about some change. I quite realise the motive underlying the Bill, and I honour the objective of those who want to see that these little girls do not become mothers. But it is one thing to have good intentions but another to try to force those intentions in a violent manner upon those who perhaps are not prepared to receive the benefit of those good intentions. There is a very old adage, but I do not wish to repeat it. It is said that the way to a very disagreeable place is paved with good intentions? Let us not be misled by the fact that those who want to promote this legislation are actuated by good

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intentions. The question simply is : is there any very great, urgent need for the legislation that is now brought before us ?

Lastly, I wish to repeat that I am against penal legislation to push social reform. I am in favour of the reform itself. If I have a daughter—I have not one now, I have granddaughters—if I had a daughter, I certainly would like that she should be married as late as possible and I would certainly like to see, if it were in my power, that she did not become a mother at the age of 14 or 15. That is a different thing. But here is penal legislation introduced by Government in order to accommodate certain Honourable Members who with the very best of intentions think that they can conveniently spend their time in promoting such social legislation. I would wish once more to put to Sir Hari Singh Gour that we have better things, more urgent things to attend to in other directions where he can use his very large and ample talents in the service of the country. This legislation can wait, there is no urgency for it. I am not for a moment against reform. It is coming, it is gradually coming. I repeat that there is not one man, not one educated man in this country who will ever desire that his daughter should become a mother between the ages of 13 and 14. But admitting all this, I do venture to say, and I am absolutely sure that I am voicing the opinion of almost the vast bulk of my educated friends in this country when I say, that there is absolutely no need for penal legislation of this character. (*An Honourable Member* : “Question. You are not voicing their opinion.”) There is nothing under the sun that is not open to question. I am too old to be scared away by such questions. Even sacred things are open to question; when God Himself is open to question, what is there that is not open to question by one set of people or another ? But I feel strongly and I have no doubt that those busy-bodies apart to whom I have referred, there is very little opinion of any respectable body of men in India which wants this reform very urgently. It may come, and there is no harm in it, in its own course. Really, this is, as I said, merely to give Honourable Members some legislative marbles and tops to play with during the time that we happen to be in Simla. If that is the object, and if my friends want the toys, I have no objection. But I for one moment cannot give my consent to this Bill. I know it is not seriously wanted. I know also that whereas in a majority of cases it is not wanted, in a minority of cases it will do actual harm, it will do mischief, it will cause evil. At any rate, if the Bill is passed in the form in which it is before us, it will do incalculable evil to a certain number of people and I cannot be a party to a motion which has that result. I shall not inflict myself any longer on the House because probably I may have to move an amendment later on, but I do wish most emphatically to say that there is not that kind of need for this legislation as some people think that there is. Therefore I oppose the motion.

Mr. E. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I would not attempt to answer the elaborate arguments of my Honourable friend from Madras, Mr. M. K. Acharya. I know that I would be attempting a very vain task indeed if I were to do so. My Honourable friend the Home Member has made the position of Government clear on this point and I think that at this stage of the Bill it would be better and more conducive to the dis-

cussion later on if some of us made our own positions clear. It was in the year 1891, about 34 years ago, that the age of consent was raised from 10 to 12 and it took 34 years for Government to realise that public opinion demands the advance of that age by one year more. This gives us some hope that even the Government of India can become wiser though it might take a very long time indeed for them to learn lessons of wisdom. Sir, when we talk of political reform we are taunted with our social disabilities and social evils, and all the innumerable social evils that exist in Indian society to-day are thrown in our face; and yet when we make an honest and sincere attempt to remedy those evils and reform our society these very friendly critics are the greatest obstacles to our honest efforts. My Honourable friend the Home Member said that every Englishman is for going forward. But unfortunately, even though it may be an admirable trait in the Englishman's character, every Englishman in the Government of India at any rate seems to be throwing obstacles in the way of other people going forward. The attitude of Government on Sir Hari Singh Gour's Bill during the last sitting at Delhi was one of the saddest episodes in the history of this House. Government took shelter under the specious plea that public opinion is not for this reform. Now, may I ask the Honourable the Home Member whether he understands the meaning of the term "public opinion"? What is it that he means by saying that public opinion is not behind this reform? Public opinion is not the opinion of the man in the street. Public opinion is the opinion of that portion of society which understands the question at issue. (*The Honourable Sir Basil Blackett* : "Hear, hear".) I am glad that the Honourable the Finance Member can at least now and then agree with some of our dicta. If that is to be the criterion of public opinion, then I have no hesitation in saying that the public opinion in India is in favour of this reform and is clamouring for this reform. (*Honourable Members* : "Hear, hear" and "No".) Sir, I hope I may claim that we in this House represent the people of India to some extent and I may tell the Honourable the Home Member that if only he gives back to the members of his Government their conscience which he keeps in his custody, he would see what the verdict of this House is upon this Bill.

I would not insult the intelligence of this House by dilating upon the evils of child-marriage and child-motherhood. It is not necessary for me to say how this serious evil has been at the bottom of the enormous death-rate amongst the children and girls, how it has contributed to the spread of tuberculosis, how it injures the race and how it brings the greatest disgrace upon India from other parts of the world. These aspects of the question have been recognised even by the stoutest champions of orthodoxy and I therefore do not attempt to dilate upon these. Sir, in talking of this measure of reform I would not even advocate it on the ground of social reform. I would plead for this reform on the ground of its being a humanitarian reform. No human and cultured man or woman could deny the impropriety, the immorality, nay, even the cruelty of forcing child-motherhood upon a girl 12 years old. It might be said that the evil does not exist in practice; but if the laws of a country are an index of the civilisation of its people, then I have no hesitation in saying that the very permissibility of this evil is the greatest slur on the country and its civilisation. The measure that was attempted to be enacted by my Honourable friend Sir Hari Singh Gour was a measure not so much of social reform but one intended to put down a

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heinous crime in Indian society. It is the duty of the State to put down crime in whatever form it may exist. It might be that a crime might exist under the specious name of religion but that would not make the crime less of a crime. The fact that a so-called marriage rite precedes the commission of a crime does not and cannot justify that crime. I have no doubt that if you were to ask a cannibal, he would plead social custom, he would plead his religion for the heinous act that he does. I would ask Government whether they had the public opinion of India behind them when they enacted the measure to put down *Sati*. I am sure that even in those days there were men who would have cried that the religion of India was in danger, that the wisdom of their ancestors was being thrown to the winds.

Sir, there are two kinds of social legislation, one which is in response to public opinion and the other which is intended to guide the people and raise their ideals and standards of conduct. I maintain, that the reform that we are undertaking is in response to public opinion. Even if public opinion were not behind it, it is the duty of the Government and of this House to enact this measure to guide the people and raise their ideals and standards of conduct in every day life. Sir, I hope that the House will once more give its verdict in favour of the measure that we passed in the last Session by passing the amendments that stand in the name of my Honourable friend Sir Hari Singh Gour. I would appeal to this House to pass this measure not merely to save the honour of India but to save the childhood of India from eternal and life-long misery.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Last March when we left Delhi, we thought that we had got rid of this mischievous piece of social legislation. I did not know then that after the defeat of this Bill which was introduced by, I may say, its father, Sir Hari Singh Gour, the matter will again be taken up by the Honourable the Leader of this House, as its step-father, if I may call him so, and that we will have no rest on this matter. As regards the raising of the age of consent I am not going to say anything either this way or that because my views are not at all antagonistic to the provisions which are contained in the Bill, but I oppose this Bill on the ground that no Legislature and no Government has any right to legislate upon social matters. We have no right to thrust our views, our advanced views, upon our less advanced countrymen.

Mr. K. Ahmed : Why do you come here then to receive Rs. 20 per day ?

Mr. Amar Nath Dutt : I know that is the feeling of barristers who roam about the corridors of the Calcutta High Court. I am not accustomed to receive such fees,.....

Mr. K. Ahmed : The statement made by the Honourable Member is not compatible with his position in this Assembly.

Mr. President : Order, Order. The Honourable Member will resume his seat. Mr. Dutt.

Mr. Amar Nath Dutt : Now, Sir, as I was submitting to this House.....

Mr. K. Ahmed : On a point of order, Sir. Honourable Members must be protected by the President from this kind of wild attack. This is not the kingdom of Swaraj where the Swarajists should do this.

Mr. President : Order, order. Mr. Dutt.

Mr. Amar Nath Dutt : Sir, we should not thrust our views on those who do not hold the same views as ourselves. I have other objections to this Bill. Our villages are torn with factions. If the age of consent is raised to 13, rightly or wrongly we will find that there will be inquisitions by the police at the instance of members of an opposite faction in the village and people will be put to disgrace and trouble. We know the nature of the Indian police. Nothing can be more corrupt than that body. In the Bill itself a distinction has been made between marital and non-marital relations. I can well understand the raising of the age in the case of non-marital relationship because it protects our daughters and sisters from seducers at an immature age, but in the case of marital relationship I think it will be more wise to leave the matter in the hands of parents and guardians, who are certainly more interested in their welfare than anybody else. The Honourable the Home Member when introducing the Bill after explaining the objects and reasons of the Bill was pleased to ask, what would a wise man do under the circumstances? If he permits me to offer my suggestion and if he has no objection to take the suggestion from me, I would ask him as a wise man to withdraw the Bill at once. (*Cries of : "No, no"*.) Coming as I do, Sir, from Bengal, I know what is the opinion of the majority of the people there. There are the orthodox Hindus, there are of course a handful of Brahmors, and a handful of people like myself who are for social reform but not through the agency of the Legislature, and I know that some of these people have gone the length of characterising the opposition to this Bill with characteristic language of the community by saying that the instincts of brute beasts are better than that. (Hear, hear). That is what has actually been said by a member of the Brahmō Samaj in a well known magazine. Of course this is not the place where I should say anything in reply to his remarks which are hardly worthy of notice, but I know that he is a very orthodox member of the Brahmō Samaj, and these are the people who spoil all chances of social reform more than anybody else by bad language rather than arguments. Now, Sir, I beg to submit that when once the Bill was defeated and thrown out in this very House only six months ago, if the Government thought that they ought to bring in a Bill of this nature again, I think they ought to have invited public opinion in the matter again, because I think that at least in Bengal people thought that the whole matter had been set at rest at least for some time. From 1891 to 1925, a period of 34 years, we have not had a single case like that which occasioned the Bill of 1891. That being the case, Sir, I think that at least the Government should have waited and invited public opinion before introducing this Bill and before asking us, with such indecent haste if I may be permitted to observe, to consider the Bill and pass it at once. With these few observations, Sir, I oppose this Bill.

Rev. Dr. E. M. Macphail (Madras : European) : Sir, I rise to support the Bill which has been introduced by the Honourable the Home Member. I recognize the great difficulty of the subject. I am old enough to remember the excitement that was aroused in 1890 and 1891 when after the case of Hari Mati, I think, the Age of Consent Bill was introduced, and I remember the astonishment that I felt at the time that so many people in Bengal who were very prominent politically should have taken up a position of opposition to that social reform. I am astonished that

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that is still possible at the present day. I feel the difficulty of the situation for this reason. If I followed my own instincts, I should support the Honourable Dr. Sir Hari Singh Gour not only in raising the age to fifteen but in raising the age to sixteen, and I hope that in course of time that may be done. On the other hand I do recognize, as was pointed out by Mr. Acharya, that it is really a very serious matter to interfere with the social customs of the people, especially when those social customs are backed up by religious feeling; and the reason why I am inclined to support the lower age on this occasion is simply and solely because I feel that there will be so much opposition to the age of fourteen that the Bill, if we carried the measure, would be a dead letter. It is perfectly true that you have to carry with you public opinion when you want to introduce anything of the nature of compulsion. I personally am very strongly opposed to compulsion of all kinds. But one recognizes that at times it is necessary, and I deprecate the idea that compulsion should not be introduced in social matters as well as in other matters, especially when the compulsion is for the purpose of removing the great injuries which are being inflicted upon a helpless class of the community. Consequently I am going to vote against Sir Hari Singh Gour, although I should personally much prefer to vote with him. I do not know whether the Honourable the Home Member would reconsider his decision with regard to the question of raising the age of consent in extra-marital relations. There is I think no objection to raising the age there, and I personally should like to see the age in that case raised to sixteen. But if the Honourable Home Member is satisfied that the Bill will not be put into practice if it is not passed as it is, I shall certainly vote for it as it is. Half a loaf is better than no bread, as the Honourable Member said, and I believe that in the course of a comparatively short time it will be possible to extend the age of consent and to raise it to the higher limit. I believe, as has been pointed out, that there is a strong growth of public opinion in this direction. But it must be remembered that it is all very well to speak of enlightened public opinion. Honourable Members here may speak of enlightened public opinion, and one knows that there are hundreds, thousands, of people who would act exactly in the way in which Mr. Acharya has said he would act in the case of his granddaughter. What I ask Honourable Members to remember is this, that there are other people in the world and there are other people in Indian households besides these educated gentlemen. There is a large number of ladies (*An Honourable Member* : "Ask them") and I know that in many cases men who have no wish that their children should be given in marriage, should not become wives at an early age, have been forced to do it much against their will through pressure brought to bear upon them by feminine influence in their own homes. That is a thing you have got to remember, and consequently I feel that, while it is eminently desirable that we should vote for raising the age further, we should for the present be content with the lower age proposed even although we may not thereby be able to obtain now everything we want.

Rai Sahib M. Harbilas Sarda (Ajmer-Merwara : General) : Sir, I rise to support the motion. My Honourable friend Mr. Acharya has harped chiefly on the question why Government, when the Age of Consent Bill was defeated in March last, should bring forward after only six months another Bill to the same effect. If I am not mistaken, Sir, I

think he is not quite accurate in saying that the Bill was defeated. The Bill as it emerged from the Select Committee would not have been defeated : what was defeated was the amendment which sought to raise the age to fourteen. If I remember aright, the Home Member was quite willing to accept thirteen at the time ; and if the House had insisted on keeping the age of consent at thirteen so far as the marital relations were concerned, the Bill would have been passed—and this is practically the provision which is now embodied in this Bill ; so that it is not right to say that a measure that was rejected in March last has been brought forward by Government after six months. It is also said, Sir, that Government or the Legislature ought not to interfere in the social customs of the people. I think, Sir, that this doctrine cannot be accepted in its unqualified form. The Legislature has a duty to perform—a duty to all. Where a social custom or a religious rite outrages our sense of humanity or inflicts injustice on a helpless class of people, the Legislature has a right to step in. Marrying a girl of three or four years and allowing sexual intercourse with a girl of nine or ten years outrages the sense of humanity anywhere, and I think the law is quite right in forbidding such things.

The measure no doubt is a penal one, but I think, Sir, so long as marriages of girls below the age which is the age of consent in a country do not cease to be performed, so long the measure will not operate as a purely penal law. But the measure will have an educative effect ; it will prepare people for accepting certain advanced notions. As an educative measure this age of consent Bill has great value. Even if marriage is regarded as a sacrament, the consummation of marriage or what is called *gona* in this country is not a sacrament and if Government legislate to regulate the *gona* that legislation cannot be regarded as interference with any religious rite of a people.

So long, Sir, as the caste system in its present crystallised and rigid form, forbidding intercaste marriages, and the joint Hindu family system, which for its peaceful continuance favours the translation of the girl to her husband's family at an early age, these continue to hold sway in Hindu society, infant marriages and child marriages will not completely disappear ; and so long as such marriages do not disappear, and neither the Government nor the people make up their minds to stop this pernicious, this nation-destroying evil, the law governing the age of consent in this country will, I am afraid, remain more or less a dead letter. Its value will only be educative, as I have said, and that value will increase in geometrical ratio with the increase in the age of consent. I believe, Sir, that the passing of this measure and the fixing of the age of consent at 14, whether now or at some later date—probably at some later date—will materially help in hastening the day when the marriages of girls below fourteen years of age will be completely forbidden. The necessities of the nation demand and humanitarian considerations require that in India no girl should be married till she reaches the age of 16. But that is not soon to be, though I see that the time is approaching when we will be within sight of the promised land. This measure is a very praiseworthy one and deserves the unanimous support of the House, and I hope it will get it.

Several Honourable Members : I move that the question be put.

The motion was adopted.

Mr. President : The question is :

“ That the Bill further to amend the Indian Penal Code (amendment of sections 375 and 376) be taken into consideration.”

The Motion was adopted.

Mr. President : The question is :

“ That clause 2 do stand part of the Bill.”

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, before moving the amendment of which I have given notice, I wish to express my obligations to the Honourable the Home Member for bringing up this Bill for consideration ; and, as he has made a perfectly candid and frank statement, I wish, Sir, to do the same. I recognise the half loaf that he has offered, and if I were sure that I shall get in the near future the other half of the loaf which he refuses, I should accept his offer with alacrity. But in matters of this kind he will, I am sure, recognise that a *fait accompli* is regarded as a settled fact for a number of years ; and if this House was to commit itself to the Government measure throwing out the amendments of which I have given notice, I fear, Sir, that a further improvement of the law would be an impossibility for several decades to come. Realizing, therefore, as I do that after thirty-four years of inactivity and silence a move forward has been made, it becomes necessary for this House to review and examine the position relating to child marriages ; and if I can convince this House that this evil is a curse which dwelleth in the land and that it is the duty, not of social reformers only but of every man who prizes human life, to use his might and main to put an end to it, then I think, Sir, I shall have satisfied the highest test of utility and humanitarianism which should support my Bill.

What is the situation ? Honourable Members will remember that for the last thirty-four years medical writers, statisticians and historical writers have been proclaiming with no uncertain voice about the appalling rate of mortality which is due to infant marriages. Need I quote the language of the writer of the Census Report of 1921 who writes :

“ Studies of the statistics of countries of the world show that there is a close correlation between the rate of infant mortality and the size of the family, owing to two distinct sets of factors, physical and economic. On the one hand the vitality of the mother and through her the life of the child appear to be affected by the age at which child-bearing begins, the number of births (or pregnancies) and especially the spacing of births ; on the other hand the health of the infant is closely allied with the circumstances frequently associated with large families, namely, poverty, congestion, mal-nutrition, insanitary surroundings, and the improvidence and ignorance of the parents....Special causes contribute to the high mortality of infants in India. Owing to the custom of early marriages, cohabitation and child-birth take place before the woman is physically mature and this combined with the primitive and insanitary methods of midwifery seriously affects the health and vitality of the mother and through her of the child..... ”

Colonel Sir Henry Stanyon (United Provinces : European) : May I rise to a point of order ? My friend is now moving his amendment relating to extra-marital inter-course. Is he in order in discussing the question of child marriages ?

Mr. President : Will the Honourable Member confine himself to his amendment ?

Sir Hari Singh Gour : I think, Sir, I should be able to save the time of the House if I spoke once for all on all my amendments....

Mr. Jamnadas M. Mehta : What is the guarantee ?

Sir Hari Singh Gour : I give you this guarantee : I shall only.....

Mr. President : I would ask the Honourable Mover to restrict his remarks to one amendment only.

Sir Hari Singh Gour : Well, Sir, I shall continue in this strain later on, when I have the honour to present to you my other amendments which will follow in a few minutes. For the present I use the arguments I have advanced not only for the stoppage of cohabitation within marital life, but in favour of the amendment, namely, that children below a certain age must be protected and that it is the duty of the State to protect them. Now, Sir, what shall be that age? In this connection reference has been made to the Act of 1891 by the Honourable the Home Member, and other speakers speak of it in popular terms as the Age of Consent Bill, and reference has been made to the Bill now before the House as the Age of Consent Bill. Now, Sir, I demur to the title. There cannot be an age of consent below the age of majority, and I submit that it is a misnomer to say that a child of 13 or 14 or 15 is able to give her consent, to surrender her virginity, when she does not understand the nature and the consequence of her act. I submit, Sir, this is not a case of age of consent; it is a case of the protection of children, and I therefore submit this House must unanimously protect these infants and children of tender years. We have been told that it is the duty of society to take care of its children, and my friend Mr. Acharya and his co-protagonist in opposition say that this is not the proper forum for social legislation. I am surprised—and one of them is a lawyer. And could he have forgotten the provisions of the Indian Penal Code against slavery, against forced labour, against infanticide, against *Sati*; and has he forgotten, Sir, the recent legislation in favour of workmen's compensation and the various ameliorative Acts intended to improve and better the life of factory workers? Is it not all social legislation, and was any objection taken by the Honourable Mr. Acharya to these beneficent measures which have been passed by this House and many of which have found their place on the Statute-book? I submit, Sir, that if this is not the forum for the enactment of social reforms, where is that forum to be found? We, Sir, are the exponents and representatives of public opinion. I have been told that public opinion must be behind all social legislation. Well, Sir, here is concentrated within the body of this hall the public opinion of the Indian Empire (Hear, hear) and I appeal to that public opinion in support of my amendment. We have been told, and Mr. Acharya, who is an ultra reformer so far as external marital relations are concerned, says protect women of 15, 16, 21, and he is even prepared to go to 50 (Laughter.) But when the question of marital rights are concerned, he is a conservative, and a reactionary of reactionaries. (*Mr. M. K. Acharya* : "I am not.") He denies it, but his words prove it. Now, Sir, what shall be the age for the protection of children? On the last occasion when I introduced a similar Bill, some of my benevolent friends introduced an amendment to the effect that outside marital relations protection shall be extended to girls up to the age of 16, and in the free voting of this House, that amendment was carried by a very large majority. But when the clauses were all duly passed, the Government put on the whip, and on the third reading that the Bill be passed, my Bill was wrecked and thrown out. Sir, I have taken a lesson and a warning from those friends who would like to have 15, 16, 20 and even 50 years for the protection of women. I am a moderate man, and I wish, Sir, to fix the age at 15, because I hope and believe that the good sense of this House, both on the official and non-official side, would support my modest measure. The Government measure is to support the ex-marital relations up to the age of 14, and I wish, Sir, to raise it to the

[Sir Hari Singh Gour.]

age of 15, and I wish very briefly to give my reasons for it. I shall do so later on in connection with another amendment. I wish to point out here, and very briefly, that there is no distinction between a girl of 13 or 14, because if Honourable Members have done me the honour of reading the Statement of Objects and Reasons appended to my Bill, they will see that I have cited chapter and verse in favour of the proposition that no less than 76 per cent. of the girls attain puberty on completion of or when they are in their 14th year, and in a printed note circulated by the Home Member, Sir Malcolm Hailey, to the Members of the Select Committee, and I believe generally to the Members of this House, a quotation was given from Lyon's Medical Jurisprudence to the effect that the appearance of puberty is no sign of physical development, and I therefore submit that the test for the protection of infants should not be the mere appearance of puberty. I therefore submit, Sir, that if I were free, and if I knew that I would be able to carry my legislation through, I would be strongly in favour of supporting the age of 16. But feeling as I do my own weakness, and suffering as I do from the experience of the past, I have become an extremely moderate and cautious man, and I therefore, Sir, move that the age be fixed at 15 years.

Mr. President : Amendment moved :

“ That in clause 2 for the word ‘ fourteen ’ the word ‘ fifteen ’ be substituted.”

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, in connection with this amendment, I think I need only state that the Government position has been indicated quite clearly to the House. We are unable to accept any increase in the age outside the marital relationship above 14 years. I therefore oppose the amendment.

Mr. President : The original question was :

“ That clause 2 do stand part of the Bill.”

Since which an amendment has been moved :

“ That in clause 2, for the word ‘ fourteen ’ the word ‘ fifteen ’ be substituted.”

The question I have to put is that that amendment be made.

The Assembly divided :

AYES—42.

Abdul Haye, Mr.
Abul Kasem, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aney, Mr. M. S.
Chalmers, Mr. T. A.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Datta, Dr. S. K.
Duni Chand, Lala.
Ghazanfar Ali Khan, Raja.
Ghulam Abbas, Sayyad.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Ismail Khan, Mr.
Ivengar, Mr. A. Rangaswami.
Jinnah, Mr. M. A.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi
Muhammad.

Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Mahmood Sehamnad Sahib Bahadur, Mr.
Mehta, Mr. Jammadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtaza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Rajan Baksh Shah, Khan Bahadur
Makhdum Syed.
Ray, Mr. Kumar Sankar.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Sinha, Kumar Ganganand.
Tok Kyi, Maung.
Wajihuddin, Haji.
Yusuf Imam, Mr. M.

NOES—63.

Abdul Mumin, Khan Bahadur Muhammad.	Hussanally, Khan Bahadur W. M.
Abdul Qaiyum, Nawab Sir Sahibzada.	Innes, The Honourable Sir Charles.
Ahmad Ali Khan, Mr.	Fajodia, Baboo Runglal.
Ahmed, Mr. K.	Langley, Mr. A.
Aiyer, Sir P. S. Sivaswamy.	Lindsay, Sir Darcy.
Ajab Khan, Captain.	Lloyd, Mr. A. H.
Akram Hussain, Prince A. M. M.	Macphail, Rev. Dr. E. M.
Alimuzzaman Chowdhry, Khan Bahadur.	Maguire, Mr. L. T.
Ashworth, Mr. E. H.	Majid Baksh, Syed.
Ayyar, Mr. C. V. Krishnaswami.	Mulaviya, Pandit Madan Mohan.
Badi-uz-Zaman, Maulvi.	Mitra, The Honourable Sir Bhupendra Nath.
Bajpai, Mr. R. S.	Muddiman, The Honourable Sir Alexander.
Belvi, Mr. D. V.	Muhammad Ismail, Khan Bahadur Saiyid.
Bhore, Mr. J. W.	Panduranga Rao, Mr. V.
Blackett, The Honourable Sir Basil.	Purshotundas Thakurdas, Sir.
Bray, Sir Denys.	Raj Narain, Rai Bahadur.
Burdon, Mr. E.	Ramachandra Bao, Diwan Bahadur M.
Carey, Sir Willoughby.	Rungachariar, Diwan Bahadur T.
Chartres, Mr. C. B.	Reddi, Mr. K. Venkataramana.
Clow, Mr. A. G.	Roy, Mr. G. P.
Coeke, Mr. H. G.	Sarda, Rai Sahib M. Harbilas.
Cosgrave, Mr. W. A.	Sim, Mr. G. G.
Crawford, Colonel J. D.	Singh, Mr. Gaya Prasad.
Dalal, Sardar B. A.	Singh, Rai Bahadur S. N.
Dumasia, Mr. N. M.	Singh, Raja Raghunandan Prasad.
Dutt, Mr. Amar Nath.	Sinha, Mr. Ambika Prasad.
Fleming, Mr. E. G.	Stanyon, Colonel Sir Henry.
Ghose, Mr. S. C.	Tonkinson, Mr. H.
Gordon, Mr. E. C.	Venkatapatiraju, Mr. B.
Gordon, Mr. R. G.	Vijayaraghavacharyar, Diwan Bahadur T.
Graham, Mr. L.	Webb, Mr. M.
Gurner, Mr. C. W.	

The motion was negatived.

Mr. President : It may meet the convenience of the House if I explain in what order I propose to take the amendments on clause 2.

Amendment No. 2, standing in the name of Mr. Rama Aiyangar, has been disposed of by the decision just announced.

Amendment No. 3 will be taken up now.

Then I will take up Amendments Nos. 4 and 5 together as they are identical. And, if they are rejected, I will take up Amendment No. 6, standing in the name of Sir Hari Singh Gour. That will dispose of all the amendments on clause 2.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, I beg to move :

“ That in clause 2, the words ‘ and in the *Exception* for the word ‘ twelve ’ the word ‘ thirteen ’ shall be substituted ’, be omitted.”

Sir, I had also given notice of an amendment that for the word “ fourteen ” the word “ sixteen ” be substituted. I did not move it and I could not move it seeing that Sir Hari Singh Gour’s motion has been defeated. I did not take part in this discussion on the motion of the Honourable the Leader of the House to take the Bill into consideration, because the matter deserves to be considered by this Assembly. I do feel, Sir, that it deserves to be considered. I think the amendment that I have proposed is the proper one for this House to accept. From what I have heard to-day I feel, Sir, that there has been a confusion of ideas. My friend Sir Hari Singh Gour confuses

[Mr. K. Rama Aiyangar.]

legislation on early marriage with legislation of this kind. I appeal to the Government also to exactly gauge the position they take. If the Government want really to interfere with the marital usages of this vast country, I ask them to take it up in right earnest, and not to work indirectly by indirect ways, which is left, I say, for only extreme social reformers, and not for a Government which is responsible for actually administering the law and the usages as they remain in the land as well and as considerately as possible. I am not at all forgetting, Sir, that the western mind is inclined to go forward in this sense that they have their social institutions there in the West and want to follow them. But that does not mean that they agree that they will not exercise their duties as officers of Government in a matter which affects the social usages of a vast country which is under their charge. I ask them, Sir, seriously to consider what they propose to do. I find from the annotated commentary of the Penal Code by Dr. Gour that in England, to-day, the age of consent is only 12 years. This is the edition of 1919. My Honourable friend Sir Sivaswamy Aiyer says it is not correct.

Sir Hari Singh Gour : There has been subsequent legislation.

Mr. K. Rama Aiyangar : I will come to that. I understand it has been subsequently raised to 13 and that in a country which may be always, I suppose, in this sense at least, expected to be much more civilised than India according to western notions. Between the years 1919 and 1925 it has been raised to 13, I understand. If that is so.....

Sir Hari Singh Gour : It has been raised to 16.

Mr. K. Rama Aiyangar :I ask the Government to consider if really it is now necessary to raise the age to 13. I ask if this is really a matter in which they can forget the duty which they owe to this vast country. My Honourable friend Mr. Acharya referred to the statement of an analysis of the opinions received from the different provinces which the Honourable the Home Member made in March last. One can easily see that Judges of High Courts of the various provinces, and the Governments of the various provinces could be expected to know better about the conditions of each province than the Members of the Government of India here. They all agree in stating that legislation affecting the marital relations need not be undertaken now and that it will be unwise to undertake it.

Pandit Shamlal Nehru : Why ?

Mr. K. Rama Aiyangar : I ask, what reason have the Government of India.....

Pandit Shamlal Nehru : Every reason.

Mr. K. Rama Aiyangar : to bring in this legislation affecting the marital relations without directly putting before this House and the country the reasons ? Why not say, let there be no marriage before 12 or 14, whichever it may be ?

Pandit Shamlal Nehru : That will come later.

Mr. K. Rama Aiyangar : I should very much like that this should be taken up immediately and the whole country divided on that, if neces-

sary. That will be the election manifesto, and my friends will be returned to the Assembly or not on that question by the vast majority of the population who must decide who should come here and who not. I would ask every friend here to really await that time and prepare himself for an election contest of that kind. That would be honourable ; that would be doing their duty. Why come here on other tickets and sell the rights and privileges of the people of this country ? (*An Honourable Member* : "Question.") I am not behind hand of anybody. I am not going to be behind hand of anybody here that India must progress as best as possible, that the young girls of India should be protected as much as anybody else, but we are not concerned with that. The question is whether you are now entitled here to vote in the way you do in the face of the opinions of lots of provinces and in the face of the opinions of the best people who have had to deal out justice between man and man in this country. Are you able to say that the three Judges of the High Court referred to by the Honourable the Leader of the House in the course of his speech in March last were Judges who are inferior in knowledge or experience of the country to anybody here who sits as the representative of the people ?

Mr. M. A. Jinnah : Yes.

Mr. K. Rama Aiyangar : My friend says, Yes.

Sir Hari Singh Gour : We all say, Yes.

Mr. K. Rama Aiyangar : I take it that he is a better judge of the condition of marital relations in this country than the Judges of the High Court.

Mr. M. A. Jinnah : Yes.

Mr. K. Rama Aiyangar : If he says that, let him only put it to his constituency as an election campaign next time and then come and vote in this House on that ticket. (Interruption by several Honourable Members).

Now, Sir, coming to the point, I ask the Government to consider—I am more concerned with the Government than even my friends here who have taken up an attitude convenient to themselves, and whose vote on this point is not recommended by the electorate themselves—I ask the Government to say what they have found in the course of these long years which necessitates a change in the definition of rape and a change of the age to 13. What is it they have found except probably the only ground urged here now that there is considerable social advancement. Have they given any substantial reasons that this is necessary for society ? I take it they will say, as has been suggested by one of my friends here, that infantile mortality is large and the weaklings that are born owing to infant marriage deserve to be better safeguarded. I ask the Government to consider what is the structure of Hindu society. The structure of Hindu society should be learnt and should be safeguarded. I may tell the House that it is not that every girl in this country is free to choose her husband. The parents are their guardians and if there are no parents other guardians are appointed, and these have charge of their interests in respect of marital affairs. If that is the structure of Hindu society, what is the point in interfering with parents in that respect ? If Government interfere in this respect, why should they not remove all parental

[Mr. K. Rama Aiyangar.]

control of these children or their control by guardians and take up the guardianship themselves? I do not believe that the Government propose to do that. All that they have tried to do is this. There is a wave of feeling in the country among the educated class and the Government feel that an indirect support should be given to an advancement which will not be detrimental to the interests of the country. I think that is the view taken by Government and that is the most charitable view that we should take of Government's action. But I ask, are the Government going to take the responsibility of breaking up the structure of Hindu society? I request Government not to do it till they have put it forth as a positive proposition before the country and have collected opinions thereon. I submit that Government should drop the Bill or at any rate ought not to press these portions relating to marital relationship. I do not mind the other portion because that is a matter in which Government can take their own share in protecting unmarried girls. That is needed for many reasons. Last year, when this question of the Age of Consent Bill was considered in Select Committee it comprehensively dealt with the protection of girls till their eighteenth year. As it was a complex question, Sir Malcolm Hailey agreed to that being taken up separately and this Age of Consent Bill was confined to these sections. But the protection that will be given under the proposed amendments of the Criminal Procedure Code might be given to unmarried girls. I do not mind the definition of the word "rape" in so far as it deals with the matter outside the marital relations. But when you come to the marital relations and include them there, I ask, is it proper for Government now to put the age at 13?

Pandit Shamlal Nehru : Would you like to put it at 3?

Mr. K. Rama Aiyangar : That is the only way in which my Honourable friend can argue and I have never heard any better argument from him. It is only natural that he stands up for that, but I do not think that Honourable Members here will follow his argument in any event. Therefore, my position is this. Should Government divide the offence into two parts? You add an offence under the Penal Code and then divide the husband and the wife into two parts for the purpose of this section; that is, under 12 he will be dealt with in one way and over 12 he will be dealt with in another; and Government seriously put that forward: I can understand Sir Hari Singh Gour in his anxiety putting forward that kind of view. I can understand enthusiasts doing that. But Government as a corporate body, I submit, have no right to force such legislation. They cannot divide the husband and the wife into two parts. Then who is to see this? I presume the District Superintendent of Police, at the best. And what are the records on which he should proceed? It may be a busy-body like the one mentioned by an Honourable Member may like to move the District Superintendent of Police, who is otherwise absolutely ignorant of the matter. Suppose a girl of 13, other symptoms not being easily available, becomes pregnant and for that reason the District Superintendent of Police is told that so and so is pregnant and must have committed an act declared unlawful by the Code and therefore the husband must be prosecuted. Is he to go and concoct a false horoscope and increase the age or should he plead that other people might have committed the offence? Of course they would have to go

to a lawyer and Government are responsible for all that. Where is the machinery to guard against all this? Government must have records to prove the case and they will find that everybody is opposed to give any proof and none can be had except perhaps the fact that the child is pregnant at the age of 13. That is another difficulty. Are you enacting a law which is going to be useful or are you going to give loopholes which will enable the enemies of a man to take advantage of the opportunity and harass him, or will enable certain officers to harass certain people who are not convenient to them? Are you going to allow Hindu households to be harassed morning and evening? Supposing the question of marriage is taken up directly, I think that Government will find no difficulty in coming to a proper solution of the matter. As has been pointed out, in the whole of India you will probably find not more than one per cent is bound to marry at an early age; it would not be more than that. It may be in Madras about 8 per cent.; but in the rest of the Continent of India I do not think more than one per cent. will be bound to marry at an early age, and I know in the south, except in the case of Brahmins, almost every one is free to marry up to the age of 17 or 18.

Sir Hari Singh Gour : We do not legislate against marriages.

Mr. K. Rama Aiyangar : Sir Hari Singh Gour argued the question of marriage and my Honourable friend Sir Henry Stanyon pulled him up for that reason. I am dealing with the form that legislation should take if it is to be proper legislation undertaken by a Government of this magnitude, power and capacity. When you legislate the only representation that will be received by Government will be that exception may be made in the case of such a small community, a very small community. As has been suggested by the Muddiman Committee, when you wish to deal with a small community you should leave it to that community to decide for itself. That will be the proper way of dealing with the matter. Is this the time to take up the question at this too early date before you give effect to the recommendations of that Committee? Why not allow another six months, and why should not Government wait till then especially when public opinion is against the present measure and when the Local Governments and Judges have expressed the opinion that it should not be adopted in its present form? I submit the Bill should not be pressed, and I ask Government not to interfere in marital relationships.

Mr. C. V. Krishnaswami Ayyar (Legislative Department : Nominated Official) : I did not intend to intervene in the debate on this Bill or on the amendments but I am tempted to get up because I find that Mr. Acharya has not the sole glory of representing the orthodox party here and that there are one or two others also opposed to the very principle of this Bill. Sir, Mr. Acharya has been making very many statements about the great religion of which I am also a humble follower. In this connection I am reminded of an old story. Sir, there was once a Judge who was somewhat opinionated. (*An Honourable Member* : "As almost all Judges are".) I was myself a Judge and I am not willing to agree to that view entirely. As Lord Bowen said we are all conscious of one another's deficiencies but not of our own infirmities. I was saying, there was once a Judge who had an argument before him on a point of law. The Judge, who disagreed with the view put forward by the Counsel, said emphatically "If that is the law, I shall have to burn my books".

[Mr. C. V. Krishnaswami Ayyar.]

The lawyer quickly retorted saying " Better read them, my lord ". In the same way, I would ask my orthodox friend Mr. Acharya to read his Shastras critically before he says anything as to what the Hindu law is on this matter. He was very emphatic that this Bill was super-imposing something on the Hindus which the Hindu law knew not of. I can say, Sir, that an intelligent study of Hindu law will show him that in this matter the Government have not gone even as far as what the old and genuine Hindu law has laid down. I know the great difficulties of the Government in a matter like this, and I am not, therefore, going to support any amendment to vary the Bill. I wish, however, to enter here an emphatic protest against any attempt to deprive the Hindu community of even this small and cautious measure of reform. From what the Honourable the Home Member has said, it is clear that if you are going to interfere with this Bill, you are likely to lose even what this Bill gives for a long time. I do believe that we will be well advised in voting solidly for the Government in this matter, and accepting what the Honourable Member is able to give us now, hoping that we will get something very soon of a better nature. Sir, my Honourable friend Mr. Acharya said that we had a discussion about this only six months back and therefore we should not reopen the question—an attitude of mind which will do credit to the most conservative lawyer whose partiality for the principle of *res judicata* we are all familiar with, but I do not know that in a matter like this we ought to be very strict followers of the rules of *res judicata*. (Mr. Jamnadas M. Mehta : " Also under Hindu law.") I think this amendment of my Honourable friend Mr. Rama Aiyangar is not in accordance with genuine Hindu law (Mr. Jamnadas M. Mehta : " Is that so ? ") If you will give me some little portion of your leisure, I may be able to convince you, outside this Assembly perhaps, that it is so ; but that is a different matter. (Mr. Jamnadas M. Mehta : " Even voting with Government on a matter like this is according to Hindu law ") Voting for what is right and practicable is according to Hindu law. I am not arguing questions of policy with the Honourable Member. I am dealing with a particular Bill before the House. I am only dealing with this question from the point of view of a practical man. Are you going to lose this Bill by proposing all sorts of amendments and carrying them if possible by a catch vote ? If you are going to do that, you may not have for a long time to come, even this little advance which the Government are willing to give us at present. Sir, my Honourable friend was saying that this is not the place where we should have social legislation. I was surprised to find that such a statement should come from a person who is a prominent member of the Swaraj Party. Sir, this Assembly is no doubt a very heterogeneous body. With the great reforms in extending the franchise which he is asking for, this House will become more and more heterogeneous. People who have no right to sit here now will come in and I do expect that many more nationalities will be represented in this House in the spacious days to come. Is the Swaraj Party going to say " We will not have in this House any legislation which will broaden the bounds of social freedom " ? If that is going to be the millenium which the Swaraj Party is going to usher in, I for one would say " Save me from Swaraj ". But, Sir, I am sure the better mind of the Swaraj Party is not moving in that direction. I do not think Mr. Acharya does represent the better mind of the Swaraj Party in this matter. There are among the Swaraj Party friends who represent the highest intelligence and the

highest enlightenment of this land. Therefore, when that millenium does come, I am sure that very many more Bills similar to the Bill that we are now considering will be brought forward to ameliorate the social condition of this country. Sir, I would ask this House to vote for this Bill without voting for the amendments, for the simple and practical reason that if you are going to vote for the amendments you will not for a long time to come have even the small advance that is now given us. Not that personally I pin my faith to the particular age that is given in the Bill, but it is a Government Bill which perhaps may be put into action very soon. I would rather accept half a loaf as better than the whole bread which may not come. Sir, Mr. Acharya might lay the flattering unction to his soul that like Casabianca of old he is standing on the burning deck of Hindu Society whence all but he have fled but I am sure we will tell him by our vote that his is a position that none can justifiably be proud of. I know, Sir, that in this matter the whole body of educated opinion, at any rate in my Presidency of Madras, is in favour of an advance in the direction indicated in this Bill.

I have just one more word to say, and that is this. He made a reference to a noble lady who was gathering opinions against him in this matter, in my Presidency. He was doubtful whether she was an English lady or an Indian lady or half of one and half of the other. Sir, she may not be an Indian lady, but she has done the East the honour of becoming the wife of an Easterner, and we, in India, require the help of non-Indians not only in matters of political reform but also in matters of social reform. (*An Honourable Member* : "Who is the lady" ?) Sir, the reference is to Mrs. Jinarajadasa. Sir, my friend is anxious to ally himself with this party or that party in England with a view to get a few political crumbs, but in a matter like this which affects the vital needs of the community, in a matter of social reconstruction, which I consider is even more important than political development, we want the help of every one, whether he or she be an Indian or non-Indian. I would, as one who believes in universal brotherhood, welcome the help of Indians and non-Indians alike, of whatever race or creed, in the great struggle which we are now in India making towards social freedom and social justice.

(Several Honourable Members moved that the question be put.)

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : I do not want to say much on this subject. I consider the Bill a great improvement towards social reform but I should like to say only a few words on the practical side of it. In my part of the country, we do not have early marriages. So the Bill is not likely to affect us very much. But in our social life, legislation of this kind is sure to create some embarrassment for the authorities. I am afraid that it is a piece of legislation by which some interference is likely to be made in the married life of people,—a thing which is sure to be resented by the Frontier people. I do not know how the proceedings will be taken in a case of that kind. Whether it is a non-warrant case, or a bailable case, or anything of the sort, it is a case in which matters of a private nature are involved and in which a man and his wife might be dragged into Court. I should have thought that the Government would have been well advised if they had gone in right for the proper remedy in such matters and suggested fixing the age of marriage for a man at a certain point and for a woman at another point. That would have been the right remedy for

[Nawab Sir Sahibzada Abdul Qaiyum.]

bringing about the social reform at which our friends are aiming. (*An Honourable Member* : " Why don't you bring in a measure to give effect to that " ?) I should like our champion of social reforms, Sir Hari Singh Gour, to come forward with legislation on that point, if he has the courage and is sure that the country is really prepared for that.

Pandit Shamlal Nehru : Why don't you do that ?

Nawab Sir Sahibzada Abdul Qaiyum : I do not think the country is prepared, and that is the reason why I dare not bring forward legislation of that sort. I consider that there are many more important social reforms which do not touch such delicate questions of interference in private life. Well, just consider this practical point. Who is going to be the prosecutor, who is going to be the investigator, who are going to be the witnesses and who is going to enforce the verdict ? Are you going to send these people to jail and deprive them of the happiness of their life for ever ? Suppose if a conviction is secured, what will be the state of the feeling of the young couple for the rest of their lives ? Do you expect that they will be living very happily and harmoniously for the rest of their lives ? I can speak of my own part of the country and say that a conviction of that sort will do away with the married life of the couple. Then there is another difficulty which I can see in the matter and it is this ; that you allow a young couple to be married and to live together and give them the opportunity of sharpening their sexual appetite and then prevent them by law from having their natural intercourse simply because they have not reached a certain age.

Pandit Shamlal Nehru : May I inform the Honourable Member that the same thing applies to the age of 12 ?

Nawab Sir Sahibzada Abdul Qaiyum : I will not admit any interference in the case of married life, unless it be on the ground that the people have not reached the age of puberty or the age of majority, though personally I would prevent interference even in that case. Well, suppose this law is enacted, and the young couple are prevented from having intercourse, will you not thereby be really sending the young boy to the streets ? I should think that in the majority of cases you would thus be sending the young boy into the streets. This and very many other difficulties will be created if the private life of a young couple is interfered with. I would not mind raising the age in the case of unmarried women even to 50. I am a Musalman and the Muhammadan law prohibits adultery or intercourse between unmarried people even up to the day of their death. There is no harm in raising the age in that case, but so long as you allow people to be married young, there is no sufficient reason why you should enact laws which may interfere with their private life and why you should not allow this evil to be regulated by social reform. A law of this kind will only render Government unpopular in my part of the country.

Several Honourable Members : I move that the question be now put.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I am very sorry to take part in the debate at this late hour, but it is necessary that I should do so. I thank the Government and the Honourable the Home Member for the solicitude they have shown for the welfare of the youth of this country, particularly

of the Hindu community among whom marriages take place at a very early age, by introducing this legislation. Any one can see, Sir, that in this matter the Government have no interest except the interest of the people among whom marriages take place early, and therefore the legislation has been prompted by the purest of humanitarian motives, for which I once more tender my thanks to the Honourable the Home Member and the Government. I wish, Sir, that in view of the fact that the Bill seeks to prevent the consummation of marriage at the age of thirteen I could support the Bill. My whole desire is that the consummation of marriage should not take place not merely until a girl has completed thirteen years of age but until she has completed her sixteenth year. I consider that the ancient Hindu medical authorities very properly laid down, as Sushruta has, that until a girl has completed her sixteenth year and until a man has completed his twenty-fifth year, they should not live together as husband and wife; and if we cannot attain that ideal at a bound, I do certainly desire that the age for consummation of marriage should be raised higher and higher until in course of time it should become sufficiently high. But with all my desire, Sir, to see the consummation of marriage delayed, particularly amongst us, Hindus, who are the largest victims of this habit of early marriage, I feel that this legislation is not desirable for certain reasons. They are these. In the first place, when Government decided to fix the age of consent at twelve, they decided it after great deal of consideration. The age of marriage in England is twelve in the case of females and fourteen in the case of males. In England the marriageable age is twelve in the case of females. That is what I find stated in the Laws of England. Now here when the Government fixed the age of consent at twelve—they raised it from ten to twelve, they believed they had thereby given a great deal of protection to young women. I hope it did, but there have been very few cases of detection of violations of this law during the long period that has elapsed since the passing of the Act. I do not know that if the age of consent is raised by one year, it will make any material difference in the matter of the detection and punishment of cases in which the law is broken. And I do not think that it is desirable, Sir,—much as I wish that the age of consent should be raised in practice—I do not think it is desirable that there should be many inquiries into cases of violations of a law of this nature among men and women who have been tied together by the bond of marriage. Humanity no doubt demands that the age of consummation of marriage should be raised, and we should make every effort that lies in our power to raise it. But I feel that, constituted as society is, there is a great deal of force in the contention which has been raised in this House that while marriages are allowed to take place below the age of thirteen and while a married couple are free to meet each other, and there can be no organization created to prevent a married couple from meeting each other without causing the greatest amount of misery and suffering, I submit, in view of this fact, it is perhaps desirable to leave the law as it stands at present on the Statute-book. If the amendment which is proposed in the Bill is made, I fear that, as things stand in this country, there may be an undue interference with the family life of the people. On the one side, therefore, we have no doubt the fact that a crime is committed against humanity if the consummation of marriage takes place earlier than at the age of thirteen or fourteen. On the other hand we have the fact that marriages are permitted by law and that the married couple are free to meet each other;

[Pandit Madan Mohan Malviya.]

and in several cases, I am sorry to say, the married couple are so placed that they must meet each other. Some of them have not got their parents living, and their relations want to get rid of them as soon as the marriage takes place ; there is no place in which the young husband and the young wife can be kept apart, they often have to be brought together. In such cases, though I must deplore that the consummation of marriage should take place at an age earlier than thirteen, I have to face the stern realities of the situation, realities which include a general permission or rather a wide-spread practice of having marriages performed before twelve, and consequently of the impossibility of preventing a married couple from meeting, and lastly of the dangers of an interference by the police, which if it is once allowed to have any hand in the matter is likely to work more mischief and more sorrow than we can think of. I do not say that there is any suggestion that this will be done, I am sure the Honourable the Home Member and every Member of the Government who has given any thought to this matter is prompted by the purest of humanitarian motives, and I am grateful to them for it ; but I submit that in the totality of the circumstances it is perhaps best that we should reconcile ourselves to leave the law as it is in the case of married people for the present, and to trust to the progress of education and to social reform to raise the age of consummation of marriage to the proper level to which it should be raised. I am sure, Sir, that a great deal of advance has been made in this matter. In many provinces among the higher classes, among the educated classes, the marriageable age has been rising ; it has risen and it is still rising. It is the poorer classes who unfortunately are the greatest victims in this matter. Early marriages take place among the poorer classes in a larger measure than among the higher classes, and we should all endeavour by all possible means to educate the poorer people to protect our girls from the results of an early commencement of their married life. I am sure that in this manner, though it may take a little longer time than it would otherwise, we shall achieve results which will be satisfactory. It is with great reluctance and regret that I vote against the measure which has been brought by the Honourable the Home Member ; but I do so for the reasons I have stated, and I hope that, even if we do not agree, those reasons will be appreciated.

An Honourable Member : I move that the question be now put.

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, with your permission—I shall not detain the House for more than a moment—but I think I ought to say just one word and that is that the real arguments that have been adduced against raising the age from twelve to thirteen are equally applicable against having an offence at all. That is the essence of the position. It is not to the age, it is to the offence that objection has been taken. Now, the offence has been on the Statute-book for many years. It was bitterly fought at the time it was made an offence. . . .

Pandit Madan Mohan Malviya : Will the Honourable Member kindly speak up ?

The Honourable Sir Alexander Muddiman : It has at length been accepted by Hindu society generally as an offence, and I do not think one single valid argument has been advanced against raising the age by

one year. The points of the arguments that have been brought forward have all been on the question whether this should be an offence or not. The Bill does not create any new offence; it merely maintains the old offence. With these few remarks I trust the Assembly will recognise that this proposal is a reasonable compromise, and vote accordingly.

Mr. President : The question is :

“ That in clause 2, the words ‘ and in the *Exception* for the word ‘ twelve ’ the word ‘ thirteen ’ shall be substituted ’, shall be omitted.”

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 2nd September, 1925.
