

LEGISLATIVE ASSEMBLY DEBATES

THURSDAY, 3rd SEPTEMBER, 1925

Vol. VI—No. 10

OFFICIAL REPORT



CONTENTS

Questions and Answers.

Statement of Business.

The Indian Limitation (Amendment) Bill—Presentation
of the Report of the Select Committee.

Bill passed by the Council of State laid on the Table.

The Indian Penal Code (Amendment) Bill—Passed.

The Coal Grading Board Bill—Passed.

The Carriage of Goods by Sea Bill—Passed.

The Provident Funds (Amendment) Bill—Passed.

The Opium (Amendment) Bill—Passed.

The Legislative Bodies Corrupt Practices Bill—Referred
to Select Committee.

SIMLA

GOVERNMENT OF INDIA PRESS

1925

Price Five Annas.

LEGISLATIVE ASSEMBLY.

Thursday, 3rd September, 1925.

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

QUESTIONS AND ANSWERS.

ISSUE OF WEEK-END RETURN TICKETS TO THIRD AND INTERMEDIATE CLASS PASSENGERS ON THE EAST INDIAN, THE EASTERN BENGAL AND THE BENGAL NAGPUR RAILWAYS.

573. *Mr. Amar Nath Dutt : Will the Government be pleased to state why the third and intermediate class passengers from mufasil stations are deprived of the privilege of journey on week-end concession tickets on the East Indian Railway, the Eastern Bengal Railway and the Bengal Nagpur Railway ? Do the Government propose to issue instructions to the railway authorities to issue week-end return tickets both ways ? If not, will the Government be pleased to state reasons ?

Mr. G. G. Sim : The Agents of the Railways concerned will no doubt extend the concession to mufasil stations if they are satisfied that it will pay them to do so. The Government are not prepared to order them to comply with the request.

AMOUNT SPENT FOR THE BENEFIT OF THIRD CLASS PASSENGERS BY THE EASTERN BENGAL RAILWAY.

574. *Mr. Amar Nath Dutt : Will the Government be pleased to lay on the table a statement showing the amount spent for the benefit of third class passengers by the Eastern Bengal Railway authorities during the past six months ?

Mr. G. G. Sim : The Honourable Member is referred to the information given in the budget memoranda and in the annual administration report.

REMOVAL OF THE PRESENT SITE OF THE SANTIPUR RAILWAY STATION ON THE EASTERN BENGAL RAILWAY.

575. *Mr. Amar Nath Dutt : Is it a fact that the Chairman of the Santipur Municipality with some of the municipal commissioners and the local residents approached the Agent of the Eastern Bengal Railway in February last for the purpose of removing the present site of the Santipur railway station to a closer vicinity of the town ? If so, do the Government of India propose to order the Eastern Bengal Railway Authorities to take steps for removal of the present site ?

Mr. G. G. Sim : Government have no information on the subject. A copy of the question and answer will be sent to the Agent.

FILLING OF VACANCIES IN THE BURDWAN POSTAL DIVISION.

576. *Mr. Amar Nath Dutt : Is it a fact that five new appointments were sanctioned on the new time-test of work for the Burdwan Division in the Bengal and Assam Postal Circle C ? Is it a fact that all these appointments were filled by men of the Nadia Division ? If so, why ? Under what circumstances were the claims of senior unpaid probationers who were turned out on the recommendation of the Postal Committee superseded ? Do the Government propose to take any steps in the matter ?

The Honourable Sir Bhupendra Nath Mitra : The facts as ascertained from the Director General are as follows : In January last altogether six vacancies occurred in the Burdwan Division. At that time there was only one approved candidate and no discharged probationer on the waiting list of that Division. Accordingly in the interests of the service five discharged probationers attached to the Nadia Division, who were temporarily holding appointments of Branch Postmasters, were provided for in the available vacancies in the clerical grade in the Burdwan Division. This did not involve the supersession of the claims of any senior probationer. Government do not therefore propose to take any action.

REVISION OF ESTABLISHMENT IN THE BURDWAN POSTAL DIVISION.

577. *Mr. Amar Nath Dutt : Under what circumstances has sanction not been accorded to revisions of establishment on the new time-test of work in some of the offices in the Burdwan Postal Division ?

Mr. G. P. Roy : Statistics do not justify any revision of establishment.

PROMOTION OF BRANCH POSTMASTERS TO THE CLERICAL CADRE IN THE BENGAL AND ASSAM CIRCLE.

578. *Mr. Amar Nath Dutt : Is it a fact that men of the overseer and branch postmaster cadre are required to sit in an examination for competition with graduates to be eligible for appointments in the clerical cadre of Rs. 35—120 ? Does such a system of competitive examination prevail for recruitment of Excise Police and Opium Sub-Inspectors from the subordinate rank of constable and petty officer ? How many men from the branch postmaster and overseer class have been recruited for the clerical line as a result of the last departmental examination in some Divisions in the Bengal and Assam Circle during the last six months ? Are the Government prepared to consider the feasibility of remodelling the rules for the benefit of the overseers and branch postmasters ?

The Honourable Sir Bhupendra Nath Mitra : Branch postmasters and overseers have not to undergo a competitive examination before promotion to the clerical cadre. There are no sub-inspectors in the Opium Department, and the Government of India are not aware of the methods adopted in the various Provinces for recruiting sub-inspectors in the Excise and Police Departments. One branch postmaster was promoted to the clerical cadre in the Bengal and Assam Circle during the last six months. Government see no reason to alter the present rules.

GRANT OF CERTAIN CONCESSIONS TO GRADUATES AND UNDE-GRADUATES WHO ENTERED THE POSTAL DEPARTMENT ON A HIGHER PAY THAN THE MINIMUM IN THE OLD GRADED SCALE.

579. *Mr. Amar Nath Dutt : (a) Will the Government be pleased to lay on the table the circular letter issued by the Government of India

in the Public Works Department granting certain concessions to graduates and under-graduates who entered the Postal Department on a higher pay than the minimum in the old graded scale ?

(b) Will the Government be pleased to state whether there has been any alteration of the concession subsequently, and if so, the reasons for the same ? Is it a fact that Babu Girindra Nath Mukherjee of Burdwan Post Office is one of those in whose case such concession has been withdrawn ? If so, do the Government propose to consider the question of restoring the terms of concession in his case ?

Mr. G. P. Roy : (a) A copy of the letter is laid on the table.

(b) There has been no change in the orders. The clerk in question has failed to obtain the full benefit of them because he was and still is unfit to pass the efficiency bar imposed at the stage of Rs. 92 in the time-scale.

Copy of a letter from the Assistant Secretary to the Government of India, Public Works Department, to the Director-General of Posts and Telegraphs, No. 1480-P.W., dated Simla, the 4th August, 1922.

SUBJECT :—*Grant of certain concessions to officials of the clerical class in the Posts and Telegraphs Department in order to remove anomalies in their pay on the time-scales sanctioned for them in accordance with the recommendations of the Postal Committee, 1920.*

With reference to the correspondence ending with your letter No. AX-1, dated the 28th April 1921, and in modification of the rule laid down in paragraph 2 (1) of the Resolution in the Department of Commerce, No. 6458, dated the 23rd September 1920, I am directed to convey the sanction of the Government of India to the grant, with effect from the 1st June 1922, of the following concessions to officials of the clerical class in the Post and Telegraph Department :

- (i) Direct recruits appointed to the Department, prior to the introduction of the time-scales, in grades higher than the lowest, should have their pay on the time-scale calculated according to their total service, while to the pay thus calculated should be added the difference between their initial pay under the old graded system and the initial pay of paid probationers under that system. If the pay thus calculated falls between two stages of the time-scale, it should be fixed at the next higher stage.
- (ii) Graduates and others, who were selected for appointments in the Department in higher grades but were appointed to the lower grades owing to there being no vacancy at the time in the higher grades, and who were subsequently promoted to the higher grades out of their turn, should be treated as direct recruits to the Department from the date of such promotion.
- (iii) Graduates and undergraduates who entered the Department before the 1st December 1919, but had not completed 5 and 3 years of service, respectively, should on that date be brought on to the stages in the time-scale corresponding to the stages admissible to new graduate and undergraduate entrants. Graduates and undergraduates who entered the Department after the 1st December 1919 but before the issue of the Government of India Resolutions introducing time-scales of pay should be brought on to the 5th and 3rd stages, respectively, of the appropriate time-scales from the date of their appointments. The increments of the graduates and undergraduates of the former category should accrue from the 1st December 1919, and those of the latter from the date of their entry into the Department.
- (iv) Officials already in the service on the 1st December 1919, who subsequently graduated or passed the Intermediate Arts Examination should be allowed the pay of the 5th and 3rd stages, respectively, of the appropriate time-scale from the date of their passing the examinations in question if it exceeds their substantive pay on that date.

2. The additional expenditure involved during the current financial year should be met from the sums of Rs. 60,000 and Rs. 25,000 provided for these proposals in Detailed Account No. 30, on page 16 of the detailed statements in support of Demands for Grants—Posts and Telegraphs, 1922-23, the necessary re-appropriation from the item of Rs. 25,000 being made for the purpose.

EMPLOYMENT OF THE DEPUTY POSTMASTER GENERAL, BENGAL, MAINLY ON CLERICAL AND ROUTINE WORK, ETC.

580. ***Mr. Amar Nath Dutt** : (a) Has it been brought to the notice of the Government of India that a highly salaried official like a Deputy Postmaster General, Bengal and Assam, has to do mainly clerical and routine work ? Under what circumstances have Assam and Eastern Bengal got to the status of a range and why has the claim of the rest of the Bengal Circle been ignored ?

(b) Do the Government intend to utilise the services of the Deputy Postmaster General, Bengal, for the rest of the Bengal Postal Circle ?

The Honourable Sir Bhupendra Nath Mitra : (a) The facts as stated in the first sentence of this part of the question are not correct.

The distance of Assam and Eastern Bengal from Calcutta has made it administratively convenient to give them to status of Postal " Ranges ".

Bengal proper, being nearer to the Postmaster-General's Headquarters, is administered direct by that officer with the help of the Deputy Postmaster General at Calcutta.

(b) No.

CONVERSION OF THE SAKTIGARH BRANCH POST OFFICE INTO A SUB-OFFICE.

581. ***Mr. Amar Nath Dutt** : Is it a fact that the work of the Chotkhand Sub-Office has decreased considerably while that of the Saktigarh Branch Office has increased ? If so, do the Government propose to raise Saktigarh to a Sub-Office by converting Chotkhand into a Branch Office ?

Mr. G. P. Roy : Government have no information, but the question will be examined.

PAYMENTS MADE BY THE POST OFFICE ON ACCOUNT OF INSURED LETTERS LOST OR STOLEN.

582. ***Khan Bahadur Sarfaraz Hussain Khan** : (a) Will the Government please state when the value of the contents of insured letters is paid to the senders in cases of theft or loss, and do Government also pay the interest of the money so paid, calculated from the date when the insured letters ought to have been delivered up to the date when their value is actually paid ?

(b) If not, will they please state the reason ?

Mr. G. P. Roy : (a) No.

(b) Payment of interest is not admissible under the rules relating to postal insurance and Government see no reason to change the rule.

LEASE OF BOOK-STALLS ON THE DIFFERENT RAILWAYS TO MESSRS. A. H. WHEELER AND CO.

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

- (a) the terms on which the different Railways have leased out the railway book-stalls and advertising rights to Messrs. A. H. Wheeler and Co. ?
- (b) if it is a fact that the said Company enjoys this right ever since the system of railway book-stalls and advertising rights came into existence on different Railways ?

Mr. G. G. Sim : (a) This is a matter which is settled by the contractors and the Railway Administrations.

(b) Government do not know. The matter is within the competence of the Agents of Railways.

GRANT OF PENSIONS TO THE DEPENDANTS OF MURDERED POSTAL RUNNERS.

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

- (a) the number of murders committed of Postal runners while on duty during the years 1922-23, 1923-24 and 1924-25 ?
- (b) the number of cases in which pensions have been given to the dependants of the murdered runners ?

Mr. G. P. Roy :	(a)	1922-23	.	.	.	.	1
		1923-24	.	.	.	.	Nil.
		1924-25	.	.	.	.	4
	(b)	1922-23	..	.	.	.	1
		1923-24	.	.	.	.	Nil.
		1924-25	.	.	.	.	Three other cases are under consideration.

ISSUE OF REVOLVERS TO POSTAL RUNNERS.

585. *Khan Bahadur Sarfaraz Hussain Khan : (a) Is it a fact that when remittances are sent from treasuries, an armed police escort is provided, but that postal runners carrying sometimes considerable cash with them in their bags are not provided with any other arms for their protection than spears ?

(b) If so, are Government prepared to provide such runners with revolvers at least to protect themselves and the mail bags against the attacks of robbers ?

(c) If not, will Government please give reasons ?

The Honourable Sir Bhupendra Nath Mitra : (a) Armed police escorts accompany remittances from treasuries except remittances of nickel, bronze and copper. Runners are only provided with spears, but they are not allowed to carry large sums in cash and, when the cash exceeds

a certain limit fixed by the head of the Circle, a police escort may be applied for.

(b) and (c). I am doubtful whether the issue of revolvers to runners, who are not generally experienced in handling fire-arms, would be a solution of the problem. It might quite possibly add to, rather than reduce, the risks which they occasionally encounter on lonely beats. But I am having the whole question examined.

INITIAL PAY IN THE TIME SCALE OF PAY OF CERTAIN POSTAL OFFICIALS.

586. *Mr. B. K. Shanmukham Chetty: (a) Will Government be pleased to state :

(i) If the benefit of the service as departmental branch postmasters rendered by Post Office officials before confirmation as clerks or sub-postmasters was allowed for fixing the initial pay in the time-scale of pay ?

(ii) Whether the same concession has been denied to the officials whose first appointment in the Post Office was in non-clerical lines ; and if so, what is the reason for this discrimination ?

(b) Are the Government aware that in the case of certain officials recruited for the clerical line, they had to be given a lien on non-clerical appointments for want of vacancies in the clerical line, but that those officials without working in such capacities were officiating as departmental branch postmasters till confirmation as clerks ?

(c) Is it a fact that records are not in all cases available to prove that officials were recruited for the clerical service and that it can be verified by collateral evidence ?

(d) Are Government prepared to admit this collateral evidence as they do in the case of counting officiating services ?

(e) Are Government prepared favourably to consider the cases of Messrs. C. V. Subbaratna Sarma and P. M. Venkataramana Iyer, clerks of the Nilgiri Division ?

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

(ii) Yes, as there is no justification for allowing officials recruited for non-clerical appointments a concession specially sanctioned to meet the case of officials recruited for clerical duties.

(b) No.

(c) Yes.

(d) Each case is considered on its own merits.

(e) If the individuals referred to have any grievance, they are at liberty to appeal to the Government of India in the usual manner.

SUBSTITUTION OF THE PROVIDENT FUND SYSTEM FOR PENSIONS.

587. *Haji S. A. K. Jeelani : (a) What progress, if any, has been made in the consideration of the question as to the substitution of the

Provident Fund system for the existing pension system as recommended by a Resolution of the Council of State of 18th February 1924 ?

(b) If the answer to the question is in the negative, will the Government be pleased to state the approximate period of time when the Government will arrive at a definite decision ?

The Honourable Sir Basil Blackett : The question is under investigation and it is not possible to state when a decision is likely to be arrived at. The position has been fully explained in reply to an unstarred question on the subject by Mr. B. Das.

DISTRIBUTION OF POST BOXES IN THE ALANTHUR AREA OF THE ST. THOMAS MOUNT CANTONMENT.

588. ***Haji S. A. K. Jeelani :** (a) Are the Government aware that the postal facilities in the distribution of post boxes in the area occupied by the civil population known as " Alanthur " of the St. Thomas Mount Cantonment are inadequate compared with those obtaining in the military area proper of the said Cantonment ?

(b) Are the Government aware that a memorial sent to the Superintendent of Post Offices by the residents of Alanthur praying for the planting of post boxes in the said area of the Cantonment was rejected by the Superintendent ?

(c) If the Government have no information on the subject, will the Government be pleased to call for information and sanction the planting of post boxes as public requirements demanded ?

Mr. G. P. Roy : (a) and (b). Government are aware that there have been complaints about the distribution of post boxes in the area mentioned by the Honourable Member, and that a memorial on the subject sent by the residents of Alanthur was rejected.

(c) As a result of a recent visit to the locality by the Presidency Postmaster, Madras, orders have been issued for a portable letter-box to be placed in the centre of the Bengalee Bazar as an experimental measure.

DEPORTATION OF THE FAMILIES OF MOPLAH PRISONERS TO THE ANDAMANS.

†589. ***Haji S. A. K. Jeelani :** (a) Will the Government be pleased to state whether it is a fact that the families of Mopilla convicts sent to the Andamans are being deported? If so, will the Government be pleased to state the policy underlying the endeavour to deport to the Andamans the families of Mopilla convicts ?

(b) Have the Government received any memorial or representation disapproving of the action, and if so, with what results ?

(c) Are the Government aware that the Muslim public opinion in Madras views the action with grave apprehension ?

(d) Is it not a fact that the Andamans had been condemned by the Jail Committee as unfit for being a convict settlement ?

(e) In view of the public agitation on the question, do the Government propose to reconsider their policy with regard to the deportation of Mopilla families ?

† For answer to this question, see answer below question No. 270 on page 432.

EMPLOYMENT OF WOMEN UNDERGROUND IN MINES.

590. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government please state if the statement that " India was the only country in the world where 50,000 (fifty thousand) women were working underground in the mines for 54 hours a week " made by Colonel Wedgwood in the House of Commons during the debate on the India Office estimates, is correct ?

The Honourable Sir Bhupendra Nath Mitra : 54 hours is the legal maximum for which any person may work underground, and does not represent the actual average hours of work for women. In other respects the Government of India have no ground for questioning the accuracy of the statement quoted.

ESTABLISHMENT OF A RATES TRIBUNAL.

591. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to unstarred question No. 77 regarding the " Establishment of a Rates Tribunal " in the meeting of the Assembly held on the 4th February 1925, will the Government please state :

- (a) If they have arrived at a definite decision on the subject ?
- (b) If so, will they please communicate their decision to the House ?
- (c) If they have not arrived at a definite decision, will they please state by what time they are expected to decide the question ?

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

(b) Does not arise.

(c) The matter has again been referred to the Secretary of State for India.

RESTORATION OF THE BUDH GAYA TEMPLE TO THE BUDHISTS.

592. ***Khan Bahadur Sarfaraz Hussain Khan** : (a) Have the Government received any communication from the Government of Bihar and Orissa with reference to the restoration of the Budh Gaya Temple to the Budhists ?

(b) If so, will they please lay it on the table ?

The Honourable Sir Alexander Muddiman : (a) No.

(b) Does not arise.

REDUCTION OF COAL FREIGHT.

593. ***Mr. Kasturbhai Lalbhai** : Sir, there was an unstarred question which I did not ask, but since then you have kindly permitted me to put it as a starred question. I will read it out :

(a) The Honourable Member for Commerce during his conference with the members of the Executive Committee of the Indian Mining Association said that a proposal for the reduction of 10 per cent. on the present rate traffic of over 400 miles was being examined. Will the Government be pleased to state the result of this examination ?

(b) If the Government have decided to reduce freight on long distance carriage of coal, will they be pleased to state when the reduction will be put in force ?

(c) Has the attention of the Government been drawn to the following remarks of the Tariff Board : " Over a large part of the country progress may be seriously retarded unless the freight on coal can be reduced substantially. We believe that no one would challenge the proposition that coal freights on Indian railways should be kept at the very lowest point which is commercially possible. But more than this may be required in the interests of industrial development. Sooner or later, the country may have to face the question whether it would not be worth while to secure a substantial reduction in coal freights at the cost of sacrificing part of the contribution which the Railways make to general revenues." ?

(d) Do the Government propose to take any steps to investigate this question ?

(e) Are the Government prepared to consider favourably a substantial reduction in coal freights in order to assist industrial development of the country ? If not, do they recognise that the country's industrial progress will be seriously retarded ?

The Honourable Sir Charles Innes : The Honourable Member is referred to the answer given in this Assembly to question No. 359 asked by Diwan Bahadur M. Ramachandra Rao. I may add with reference to the last part of (a) that the examination referred to has not yet been completed.

Mr. Kasturbhai Lalbhai : Am I to understand, Sir, that Government attach much greater importance to the giving up of a small revenue than the ruination of a national industry ?

The Honourable Sir Charles Innes : I think the Honourable Member's remark about the ruination of the industry is argumentative.

Mr. Kasturbhai Lalbhai : Will the Government be pleased to state why the freight on coal has been increased by 33 per cent. when the general increase in the freight is only 25 per cent. ?

The Honourable Sir Charles Innes : I think I might legitimately ask the Honourable Member why he has raised the price of his cotton goods not by 33 per cent. but by 100 per cent. and not since 1905, as in the case of coal, but since 1913-14.

†594.

GRANT OF PROSPECTING LICENSES FOR OIL IN THE NORTH WEST FRONTIER PROVINCE.

595. ***Mr. Jamnadas M. Mehta :** (a) Will the Government be pleased to indicate how many applications they have received during the last five years for licences to prospect for oil areas in North West Frontier Province ?

(b) How many of these applications are from Indians ?

† This question was neither put nor answered.

(c) How many licences have been given to :

- (1) Indians, and
- (2) non-Indians ?

Mr. E. Burdon : Sir, I have been asked to reply to this question on behalf of Sir Denys Bray, who is detained in another place.

Inquiry is being made from the local administration and a reply will be furnished to the Honourable Member in due course.

Mr. Jamnadas M. Mehta : Will that reply be given on the floor of the House, because very often important replies to questions are sent by post ?

Mr. E. Burdon : There is an established procedure in regard to this matter, Sir.

DELAY IN THE TRANSHIPMENT OF GOODS SENT FROM ARMENIAN GHAT TO BANKURA.

596. ***Mr. Amar Nath Dutt :** Is it a fact that goods sent by the Bengal Nagpur Railway in small lots from Armenian Ghat to Bankura reach Bankura after more than 15 days, while consignments consisting of full wagon loads reach in 4 days ? If so, do the Government propose to take steps to prevent such delay ?

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

EMPLOYMENT OF MUHAMMADANS IN THE INCOME-TAX DEPARTMENT, PUNJAB.

597. ***Mr. S. Sadiq Hasan :** 1. Is it a fact that in the Income-tax Department in the Punjab there are three Assistant Commissioners (1,000—100—1,500) and all of these are non-Muslims ?

2. Is it a fact that out of 27 Income-tax Officers 300—40—850 in the Punjab only 4 are Muslims ?

3. Is it a fact that out of 3 posts of Income-tax Officers which fell vacant on 1st April 1925 none was given to a Muslim although one vacancy was created by the reversion of a Muslim Income-tax Officer ?

4. Is it a fact that out of 6 posts of Assistant Income-tax Officers (250—25—350) only 2 are held by Muslims from 1st April 1925 ?

5. Is it a fact that out of 30 Income-tax Inspectors (120—7½—240) only 6 are held by Muslims—23 by non-Muslims and one is still lying vacant ?

6. Is it a fact that of 23 non-Muslim Inspectors 3 have read up to the Middle Standard, have not passed even the prescribed departmental examination, are still on probation, and cannot write their usual reports in English ?

The Honourable Sir Basil Blackett : 1. The answer is in the affirmative.

2. Out of 26 officers 4 are Muslims.

3. No posts of Income-tax Officers fell vacant on April 1st, 1925. On that date the Punjab cadre was reduced by 1 officer owing to the formation of a salary circle at Delhi and the consequent amalgamation of the Simla and Ambala Circles. The reduction was met by deputing one officer, a non-Muslim, to Delhi.

4. The answer is in the affirmative.

5. The sanctioned scale of Income-tax Inspectors in the Punjab including a reserve for leave appointments is 30.

The present distribution is—

Muslims	..	..	..	..	7
Non-Muslims	..	..	..	..	22
Reserve for leave vacancy	..	..	..	..	1
					30

6. Of the 22 non-Muslim Inspectors, there are three whose original educational qualifications are not higher than the middle school examination. Of these one was confirmed on the 12th May 1923, the remaining two are still on probation. Of the three one has been exempted from taking the departmental examination; two have passed the departmental examination, but of these one has still to pass an examination in English. Two ordinarily write their reports in Urdu, one in English.

Lala Duni Chand : Is it true that special qualifications, namely the knowledge of Landa characters and proficiency in the Hindi system of accounts are necessary for employment in the Income-tax Department ?

The Honourable Sir Basil Blackett : After the amount of information which I have already given I must ask for notice.

Lala Duni Chand : Is it true that the Income-tax Commissioner of the Punjab made special efforts to find suitable Muhammadans and did not find them ?

Mr. K. Ahmed : Because.....(Laughter.)

Am I not entitled, Sir, to put a question ? Is it not a fact also that this Department has been crowded by non-Muslims and the Honourable Member is justified in finding suitable Muhammadans.

Mr. Amar Nath Dutt : Are there a sufficient number of educated Muhammadans, Sir ?

Mr. K. Ahmed : In the Punjab alone more than sufficient.

Lala Duni Chand : Will the Honourable the Finance Member deprecate the putting of such questions on the floor of this House as on another occasion he deprecated the putting of similar questions ?

Mr. President : Order, order. That is not a supplementary question.

EMPLOYMENT OF MUHAMMADANS IN THE INCOME-TAX DEPARTMENT, PUNJAB.

598. ***Mr. S. Sadiq Hasan :** 1. Is it a fact that the permanent Superintendent of the Income-tax Commissioner's Office, Punjab, was promoted to an Income-tax Officer on 1st April 1925 only with the object of providing the present Hindu official with a Superintendentship although he had no experience of the office of the Commissioner ? Is it a fact that he has only 3 years' service (as Head Clerk, Income-tax Officer's office on 150—5—200) at his credit and is a non-Punjabi ?

2. Is it a fact that there were competent Assistant Income-tax Officers' applications for the post of Superintendent, and none was given even a trial ?

3. Is it a fact that even the other important posts, such as (1) Clerk of Court to the Income-tax Commissioner 150—5—250. (2) Four senior

posts of Head Clerks (3 to Assistant Commissioners and 1 to the Income-tax Officer, Lahore, 150—200) are permanently held by Hindus and that three other senior posts 125—150, and two of 80—125, are all held by non-Muslims ?

4. Is it a fact that out of 34 posts of Head Clerks and Head Assistants of the offices of the Income-tax Officers, in the grade of 80—125, 26 are held by non-Muslims and 4 are held by Muslims—4 are still lying vacant ?

The Honourable Sir Basil Blackett : 1. The answer is to both parts in the negative.

The clerk appointed to officiate as Superintendent of the Commissioner's office was the senior Head Clerk in the Department. His service in the Income-tax Department was of 3½ years only as the Department in the Punjab is only 3½ years old. The official in question is a graduate of the Punjab University born in Delhi and claims to be a Punjabi. After some years' service in clerical appointments in the Court of the senior Sub-Judge, Karnal, he was, at the inauguration of the Income-tax Department in the Punjab, selected for the post of Head Clerk of the office of the Assistant Commissioner of Income-tax, Ambala Cantonment. He was specially selected for the post of Head Clerk to the Income-tax Officer, Lahore, for his good work as Head Clerk in the office of the Assistant Commissioner.

2. No applications were received. The post of Assistant Income-tax Officer is a gazetted post on Rs. 250—25—350 per mensem while the post of Superintendent is a ministerial post on a salary of Rs. 250—20—350.

3. The posts apparently referred to are as follows :

Post.	Salary.	Permanent incumbent.	Officiating incumbent (if any).
(1) Clerk of Court	Rs. 150—5—225 per mensem.	Hindu ..	..
(2) Three posts on	Rs. 150—5—200 per mensem.		
Head Clerk to Assistant Commissioner.	....	Hindu ..	..
Head Clerk to Assistant Commissioner	....	Hindu ..	Muslim.
Head Clerk to Income-tax Officer, Lahore.	....	Hindu ..	Hindu.
One post on	Rs. 100—5—200 per mensem.		
Stenographer to Commissioner ..	....	Muslim ..	..
(3) Two posts on	Rs. 125—150 per mensem.		
Junior Clerk to Assistant Commissioner.	....	Hindu ..	..
Establishment Clerk, Commissioner's Office.	....	Muslim ..	Hindu.
Two posts on	Rs. 100—150 per mensem.		
Head Clerk to Income-tax Officer, Amritsar.	....	Hindu ..	..
Head Clerk to Income-tax Officer, Central Circle, Lahore.	....	Hindu ..	Muslim.

4. The sanctioned scale for Head clerks of Income-tax offices and for Head Assistants, the time scale for both classes being Rs. 80—125 per mensem is 31.

The present distribution is as follows :

Muslims	..	..	..	..	8
Non-Muslims	..	..	..	..	20
Vacant	..	..	..	..	3

In view of the important nature of the information I have given, I hope there will not be any supplementary questions.

RECRUITMENT OF INDIANS TO THE POLITICAL DEPARTMENT.

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

- (a) The number of Indians appointed in the superior cadre of the Political Department of the Government of India since March 1924 ?
- (b) The conditions of recruitment to the Department ?
- (c) The minimum qualifications required ?

Mr. E. Burdon : (a) Four.

(b) and (c). The conditions under which junior officers of the I. C. S. and the Indian Army are eligible for recruitment to the Political Department were stated in Foreign Department Notifications No. 3104-Est.-A., dated the 6th October 1910 and No. 2016-Est.-A., dated the 31st August 1914.

Officers of the Provincial Civil Service are also eligible for admission to the Department in cases of special merit.

SUPERSESION OF LIEUT.-COLONEL CHITALE, I.M.S., FOR APPOINTMENT TO A CIVIL ADMINISTRATIVE POST.

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

- (a) If it is a fact that Lt.-Col. Chitale, I.M.S., has been superseded this year in respect of appointment to a civil administrative post ;
- (b) What reasons led Government to overlook his claim ?

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

(b) His claims were not overlooked but the officers selected were considered to be better qualified.

EXPORT OF FOOD-STUFFS.

601. ***Mr. Gaya Prasad Singh** : (a) Has the attention of the Government been drawn to the following resolution passed by the Nagpur session of the Indian National Congress in 1920 :

“ This Congress condemns the Government for its callous disregard of the immediate needs of the Indian people in reference to its policy as regards the exportation of food-stuffs, in spite of famine conditions prevailing ; and in order to mitigate the disastrous consequences thereof, this Congress advises the traders not to export food-stuffs (particularly wheat and rice), and further advises producers and the public not to sell such food-stuffs to exporting traders and agencies, or help in any way the export of these stuffs ” 1

(b) Will the Government be pleased to state what steps, if any, have been taken to prevent the export of food-stuffs, specially wheat and rice, from India? Do the Government propose to take any steps in this direction? If not, why not?

Mr. J. W. Bhore : (a) Yes.

(b) Since the removal of the embargo on the export of food-stuffs in 1922 following a Resolution carried in this House without a division recommending such removal, the Government of India have taken no action to stop or regulate exports. They do not propose to take such action now as in their opinion the situation does not require it.

Mr. Gaya Prasad Singh : In what year was that Resolution passed in this House, in the first Assembly or the second?

Mr. J. W. Bhore : I have given the year, 1922.

Mr. Gaya Prasad Singh : That was in the first Assembly, which was not a fully representative body.

Mr. K. Ahmed : Since then the Swarajists have come in?

RESTRICTION OF THE USE OF OPIUM TO MEDICAL AND SCIENTIFIC REQUIREMENTS.

602. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to the following resolution, passed by the Belgaum session of the Indian National Congress in 1924 :

“ The Congress is of opinion that the policy of the Government of India in using the drink and drug habit of the people as a source of revenue is detrimental to the moral welfare of the people of India, and would therefore welcome its abolition.

The Congress is further of opinion that the regulation by the Government of India of the opium traffic is detrimental not only to the moral welfare of India, but of the whole world ; and that the cultivation of opium in India, which is out of all proportions to medical and scientific requirements, should be restricted to such requirements.” †

(b) Will the Government be pleased to state what steps if any they propose to take to restrict the cultivation of opium in India to medical and scientific requirements only?

The Honourable Sir Basil Blackett : (a) The Government of India have been made aware of the resolution referred to by this question of the Honourable Member.

(b) I would invite the attention of the Honourable Member to the reply to part (a) of question No. 333 asked by the Honourable Dr. Sir Deva Prasad Sarvadhikary in the Council of State on the 3rd September last, and to the Honourable Mr. McWatters' speech in the same House on the 4th March last in connection with the Resolution regarding the restriction of the use of opium.

EXPENDITURE INCURRED BY GOVERNMENT ON THE CASE OF THE IMPERIAL BANK OF INDIA vs. RAJ SAHIB BISHAMBHER NATH TANDON AND OTHERS OF LUCKNOW.

603. ***Mr. Gaya Prasad Singh :** Will the Government be pleased to state what is the total amount of money they have spent in prosecuting the case of the Imperial Bank of India vs. Raj Sahib Bishumbhar Nath Tandon and others at Lucknow?

The Honourable Sir Basil Blackett : So far as I am aware the case in question has not involved the Government of India in any expenditure.

Mr. Gaya Prasad Singh : Are Government aware that in the judgment of the appellate court a fine of Rs. 20,000 has been inflicted upon this gentleman and that it is stated in the judgment that the amount should be paid to Government as compensation for their having undertaken the financing of this case on behalf of the prosecution ?

The Honourable Sir Basil Blackett : No, Sir, I am not aware of it.

Mr. Gaya Prasad Singh : Will Government be pleased to call for the judgment and verify this statement ?

The Honourable Sir Basil Blackett : I will certainly make inquiries.

Mr. K. Ahmed : Is there any chance of evading justice if there is a want of funds or that the cost of the prosecution is costly ?

TRANSFER OF THE CAPITAL OF THE UNITED PROVINCES FROM ALLAHABAD TO LUCKNOW.

604. ***Mr. Gaya Prasad Singh :** Will the Government be pleased to say if they have received any communication from the Local Government of the United Provinces with regard to the change of capital of the United Provinces from Allahabad to Lucknow, or the building of a new Legislative Council Chamber at Lucknow ? If so, will the Government be pleased to place on the table a copy of the latest communication on the subject ?

The Honourable Sir Alexander Muddiman : The Government of India called for a report from the Local Government on certain memorials which they received alleging that the capital of the United Provinces was being insidiously transferred to Lucknow. The Local Government reported that there is not and never has been any question of the transfer of the Capital to Lucknow and that the allegations regarding the intentions of the Local Government were unfounded. The memorialists were so informed and the Government of India consider that no useful purpose would be served by laying a copy of the letter from the Local Government on the table.

Mr. Gaya Prasad Singh : Am I to understand that there is no intention of removing the capital of the United Provinces from Allahabad to Lucknow ?

The Honourable Sir Alexander Muddiman : If the Honourable Member had listened to my answer, he would have gathered that.

Mr. Gaya Prasad Singh : I am sorry, I could not catch what the Honourable Member had said.

Mr. K. Ahmed : Is there any chance of its being transferred to the neighbourhood of Patna in Bihar if the capital be at Lucknow ?

CLAIMS OF MR. S. R. DANIELS FOR APPOINTMENT AS CHIEF JUDGE OF THE OUDH CHIEF COURT.

605. ***Mr. Gaya Prasad Singh :** (a) Have the Government received any representation from Mr. Daniels, Judicial Commissioner of Lucknow,

and an Acting Judge of the Allahabad High Court, with regard to his claim for appointment as Chief Judge of the Oudh Chief Court at Lucknow ?

(b) Is it a fact that the representation of Mr. Daniels was rejected by the Local Government, as well as by the Government of India, and that he has now proceeded to England to press his claim on the Secretary of State ?

The Honourable Sir Alexander Muddiman : I do not consider that it would be in the public interest that I should make any statement regarding any individual claims to appointment to high judicial offices such as is invited by the Honourable Member's question.

SALE OF FOOD-STUFFS IN PASSENGER TRAINS ON THE OUDH AND ROHILKHAND RAILWAY.

606. ***Pandit Harkaran Nath Misra :** 1. Is it a fact that since January 1924, at the instance of the Oudh and Rohilkhand Railway Advisory Board the railway commenced reserving a third class compartment in certain passenger trains for the sale of food-stuffs, fruits, pan and cigarettes, etc., to Indian passengers in moving trains ?

2. If so, will the Government be pleased to state whether the compartment in question is equipped with the necessary fittings, such as stoves, shelves, water reservoirs, washing sinks, ice-box, etc., usually required for the purpose, and what other facilities were given to popularise the system ?

3. Are the Government aware that the travelling public, including eminent Indians, have welcomed the innovation as greatly conducive to public convenience ?

4. Is it a fact that with the amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway, the railway administration contemplate abolishing the system at present in force ? If the answer be in the affirmative, will the Government be pleased to state the reasons ?

5. What is the outlay in equipping the compartment used for the sale of food-stuffs to Indian passengers, and what is the total amount spent in building the present restaurant cars used by the first and second class passengers ?

6. What is the number of existing restaurant cars maintained by the amalgamated railways, *i.e.*, the Oudh and Rohilkhand and the East Indian Railways ?

Mr. G. G. Sim : The Honourable Member is referred to the answer given in this Assembly to a similar question No. 163 asked by Lala Duni Chand.

INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS, ETC.

607. ***Seth Govind Das :** Will the Government be pleased to state how much money India contributes per annum towards the support of the League of Nations and how many natives of India are now employed as officers or clerks in the Secretariat of the League of Nations ?

Mr. L. Graham : The Honourable Member is referred to the reply to part (d) of the reply given to question No. 244 put by Mr. Gaya Prasad Singh on the 31st August, 1923, and to the latest establishment list of

the Secretariat and the International Labour Office reproduced on pages 82-106 of the Official Journal of the League, 6th year No. 1, a copy of which has been placed in the Library.

REPRESENTATION TO THE LEAGUE OF NATIONS OF THE HARDSHIPS OF INDIAN TRADERS IN TANGANYIKA.

608. ***Seth Govind Das** : Will the Government be pleased to state whether the representatives of the Government of India for the League of Nations Assembly Session of 1925, have been instructed by them to represent the hardships of Indians trading in Tanganyika ? If not, what action do the Government propose to take in this matter ?

Mr. L. Graham : The Honourable Member is referred to the reply to starred question No. 535 put by him yesterday.

EXTENSION OF THE RECOMMENDATIONS OF THE LEE COMMISSION TO OTHER IMPERIAL SERVICES BESIDES THE I. C. S.

609. ***Seth Govind Das** : Will the Government be pleased to state whether the Secretary of State for India has sanctioned the extension of the recommendations of the Lee Commission to other Imperial services besides the Indian Civil Service ?

The Honourable Sir Alexander Muddiman : The Honourable Member will find the answer to his question in the Superior Civil Services (Revision of Pay and Pension) Rules, 1924, copies of which are in the Library.

ADMISSION OF INDIANS INTO THE ARTILLERY BRANCH OF THE INDIAN ARMY.

610. ***Seth Govind Das** : Will the Government be pleased to state whether there are any Indian officers in the artillery branch of the Indian Army, and if the answer is in the negative, whether the Government are prepared to admit them into the artillery branch of the Indian Army or at least refer this question to the Skeen Committee for their consideration ?

Mr. E. Burdon : With regard to the first part of this question, I would invite the attention of the Honourable Member to the reply given on the 22nd September 1924 to unstarred question No. 454. The sanctioned strength of Indian officers for artillery units in India is 203.

With regard to the second part, his attention is invited to the reply given on the 22nd January 1925 to unstarred question No. 38.

As regards the third part of the Honourable Member's question, I would ask him to study carefully the previous replies which I have cited and also the terms of reference to the Skeen Committee, which were published on the 8th July last. I laid a copy of them on the table I think two days ago.

RECRUITMENT TO THE INDIAN SUPERIOR SERVICES IN GREAT BRITAIN.

611. **Kumar Ganganand Sinha** : (a) Will the Government be pleased to state the figures of recruitment to the Indian superior services both in Great Britain and this country ?

(b) Will the Government be pleased to state whether or not they were consulted by the British Government in regard to the propaganda for the recruitment of Britishers to the Indian superior services ?

The Honourable Sir Alexander Muddiman : (a) If the Honourable Member will inform me exactly what figures he requires and for what services and periods he wants them, I shall be glad to supply them so far as they are available.

(b) The answer is in the negative, but the Honourable Member is no doubt aware that in paragraph 103 of their report the Lee Commission recommended that efforts should be made to stimulate recruitment in England by well-considered propaganda.

Kumar Ganganand Sinha : In my question 611 (a) I mean to refer to the Indian Civil Service.

The Honourable Sir Alexander Muddiman : Very well, I will answer the Honourable Member later, if he puts down a question.

CONSUMPTION OF OPIUM IN INDIA.

612. ***Kumar Ganganand Sinha :** Will the Government be pleased to state province by province the amount of opium consumed in India in 1921, 1922, 1923 and 1924 ?

The Honourable Sir Basil Blackett : The information, in so far as it is available, is given in the reply to question No. 131 asked by the Honourable Mr. Lalubhai Samaldas in the Council of State on the 4th March last.

INVESTIGATION OF THE OPIUM QUESTION.

613. ***Kumar Ganganand Sinha :** Will the Government be pleased to state their decision, if it has been already arrived at, regarding an inquiry to investigate the opium problem in this country ? If no decision has been reached, will the Government be pleased to assign reasons for the same ?

The Honourable Sir Basil Blackett : The Government of India are still awaiting the views of Local Governments.

ANTI-INDIAN LEGISLATION IN SOUTH AFRICA.

614. ***Kumar Ganganand Sinha :** Are not the Government aware of the fact that one after another laws are being made in South Africa which are a great deal against the interests and liberties of Indians there ? If so, what measures are the Government taking to protect Indians from the unfair treatment they are receiving ?

Mr. J. W. Bore : The Government are aware that Acts which adversely affect Indian rights have recently been passed in Natal and that Bills which may seriously affect Indian interests are now before the Union Parliament. As His Excellency the Viceroy stated in his speech opening the current Session of the Legislature, Government are watching the situation closely and are still in communication with the Government of South Africa.

Mr. Gaya Prasad Singh : May I take it they are merely watching the situation, and have taken no action as yet ?

Mr. J. W. Bhoze : If the Honourable Member had listened to the last portion of my reply, he would have had his answer.

†615. ***Kumar Ganganand Sinha :** Has the attention of the Government been drawn to the *Sunday Times* cable announcing the probability of His Majesty's visit to India during the next winter season? How far is the information correct?

EXCAVATIONS BY THE ARCHAEOLOGICAL DEPARTMENT AT HARIS DIGHI IN THE DACCA DISTRICT.

616. ***Kumar Ganganand Sinha :** (a) Has the attention of the Government been drawn to the letter by "Fair Play" published on the 3rd page of the town edition of the *Forward* on Wednesday, July 29, 1925 entitled—"Paharpur Puzzle—A reply"?

(b) What are the real facts connected with the excavations carried out some time ago by the Archæological Department at Haris Dighi near Rampal in the Dacca District, a mile or two from Munshigunge?

(c) Are the following allegations referred to by the writer true, namely :

(i) The excavations were conducted without formally acquiring the land?

(ii) The archæological officer sent his men and tents there and spent about Rs. 5,000 without securing any sanction of the Director General of Archæology who was therefore compelled to throttle it?

(d) If these allegations are true, will the Government be pleased to state :

who was the archæological officer against whom the allegations were made, and what action, if any, has been taken against him for what he has done?

(e) How far has the excavation progressed till now, how is it progressing, and what important finds, if any, have been discovered?

Mr. J. W. Bhoze : (a) Yes. -

(b) The work referred to was carried out during the year 1924-25 by the Archæological Superintendent of the Eastern Circle. The monument was declared protected under the Ancient Monuments Preservation Act in 1920. The work consisted in clearing masses of vegetation and *débris* which filled the tank and it was undertaken in order to expose the brick walls and *ghats* of the tank preparatory to their conservation. This clearance work was started in February 1925 and completed before the end of March 1925 at a total cost of Rs. 5,327.

(c) (i) The tank or the land around it was not acquired before the preliminary clearance was taken in hand but the Superintendent, Archæological Survey, Eastern Circle, had secured the permission, for the work, of Babu Hari Das Basack of Dacca, in whose zemindary the tank is situated.

(c) (ii) The clearance work was carried out under the personal supervision of the Archæological Superintendent in the Eastern Circle. The

† For answer to this question, see answer to question No. 131, at page 290.

total cost during the year 1924-25 amounted, as I have said, to Rs. 5,327. It is not a fact that the sanction of the Director General of Archaeology in India was not secured beforehand. The Director General's sanction was communicated to the Archaeological Superintendent, Eastern Circle, in a telegram, dated the 13th January 1925. At the close of the first season the Director General decided that in view of more urgent works awaiting attention elsewhere further operations must be postponed. The Archaeological Superintendent, Eastern Circle, was therefore directed to do nothing more at present beyond tidying up the work already done.

(d) The question does not arise.

(e) During the year 1924-25 the western and southern banks of the tank were cleared. As stated above, this work was done as a preliminary to conserving the tank. No important finds were discovered nor were they anticipated.

CHANGE OF TRAIN TIMINGS ON THE EASTERN BENGAL RAILWAY.

†617. *Kumar Ganganand Sinha : (a) Are the Government aware of the fact that the new changes in train timings by the Eastern Bengal Railway is causing great inconvenience to the Purnea people on account of the following main reasons, namely :

(i) Passengers coming from Calcutta via Godagarighat miss the train which arrives at Purnea in the early morning by half an hour and have consequently to wait at Katihar for over 4 hours ;

(ii) Passengers going by the afternoon train from Purnea miss the Manihari train by half an hour, and consequently those who have to catch the East Indian Railway train at Sahebgunge have to leave Purnea by the 11 A.M. train and wait for a very long time at Katihar ?

(b) What action, if any, are the Government going to take to redress the grievance of the travelling public ?

DISCONTINUANCE OF THE TRAIN BETWEEN KISHANGUNGE AND PURNEA.

618. *Kumar Ganganand Sinha : (a) Are the Government aware of the fact that Kishangunge is a very important sub-division of the Purnea District ?

(b) Is it a fact that the through train running between Kishangunge and Purnea has been discontinued from the 1st July last ?

(c) If so, will the Government be pleased to state reasons for the same and what action, if any, they are taking to remove the inconvenience ?

Mr. G. G. Sim : I propose to answer questions Nos. 617 and 618 together.

Government have no information regarding the inconveniences complained of. If there is any inconvenience it is essentially the sort of case which should be taken up by the Local Advisory Committee.

Mr. K. Ahmed : Is it not a fact that the train arrives half an hour late and all the passengers are stranded for four hours or so ? Who is responsible for the inconvenience of the passengers ? Will the Members

† For answer to this question, see below question No. 618.

of this Assembly wait till an answer comes from the Agent, whom we cannot approach from this Assembly at all ?

Mr. G. G. Sim : I have already replied that Government have no information whatsoever on the subject. This sort of question should be thrashed out by the Local Advisory Committee with the Agent.

Mr. K. Ahmed : Sir, the Members are entitled to get from the Government redress for any grievances in the constituency they represent. Do Government propose to remove the rules and get an answer through the Legislative Department ?

Mr. G. G. Sim : No, Sir, the Government have provided an appropriate machinery for redress of any such grievances.

Mr. K. Ahmed : Is it not for the benefit of the country that that machinery should either be broken up or properly oiled and lubricated ?

Mr. G. G. Sim : I suggest, Sir, that the Honourable Member should move a Resolution on the subject.

Kumar Ganganand Sinha : Will the Government communicate the matter to the Local Advisory Board ?

The Honourable Sir Charles Innes : I may inform the Honourable Member that we regard a question of this kind as essentially a question which requires local knowledge and that is why we think these questions are best discussed with the Local Advisory Committee.

Mr. K. Ahmed : Great inconvenience is being caused to the public, and from that point of view do the Government propose to take further steps to remove the grievance of the people of this country ?

ADMISSION OF BIHARIS INTO THE POLITICAL DEPARTMENT.

619. ***Kumar Ganganand Sinha :** How many Biharis, if any, and on what dates, have been appointed up-to-date as probationers in the Political Department ? If no Bihari has been appointed, why ? Do the Government intend to call upon the Government of Bihar and Orissa to send in their nominations for the posts this year ?

Mr. E. Burdon : So far as the Government of India are aware no application has ever been received from a Bihari. All local authorities are aware of the rules for admission to the Political Department and it is for them to send in the names of any qualified candidates who may present themselves.

RECRUITMENT OF PROVINCIAL POLICE SERVICE OFFICERS TO THE POLITICAL DEPARTMENT.

620. ***Kumar Ganganand Sinha :** (a) Is it a fact that recruitment to the Political Department is not possible from the Provincial Police Service ?

(b) Is it not a fact that the qualifications required for entering the Provincial Police Service are almost the same as are required for the Provincial Civil Service from which recruitments to the Department may be made ?

(c) If answers to the above-mentioned questions are in the affirmative will the Government be pleased to state why Provincial Police Service men are debarred from entering the Political Department ?

(d) Are the Government contemplating any change in the matter of making recruitments to the Department ?

(e) How many recruitments, if any, will be made this year ?

Mr. E. Burdon : (a) Such recruitment is not provided for in the Rules.

(b) The qualifications for the two Provincial Services are prescribed by the Local Governments themselves and vary considerably in the various Provinces. It would certainly be impossible for me to describe the two standards generally as about the same.

Thus (c) does not arise.

(d) No.

(e) The recruitments for this year have been already made.

INDIANIZATION OF POSTS ON THE BENGAL-NAGPUR RAILWAY.

621. ***Kumar Ganganand Sinha :** Is it a fact that in view of the recommendations of the Lee Commission the authorities of the Bengal Nagpur Railway are going to make further appointments of Indians to the superior Railway Traffic and Loco. and Engineering Services ? If so,

(a) how many Indians have been appointed and from what provinces ?

(b) how many of them are to be appointed and from what provinces ?

(c) what are the necessary qualifications and restrictions for such appointments ?

Mr. G. G. Sim : The Bengal Nagpur Railway Administration has intimated its intention to adopt the policy of Indianisation as recommended in paragraph 42 (d) of the Lee Commission Report. Beyond that Government have no information. They do not consider it desirable to make inquiries at this stage as insufficient time has elapsed since the Lee Commission recommendations were introduced for a definite scheme of recruitment to have been introduced on the Bengal Nagpur Railway.

REPORT ON THE EMIGRATION OF UNSKILLED LABOUR TO MAURITIUS.

622. ***Kumar Ganganand Sinha :** (a) Will the Government be pleased to state the date when the report regarding emigration of unskilled labour to Mauritius will be available to the Members of the Legislative Assembly ?

(b) When do the Government hope to finish consideration of the report and come to decisions regarding its proposals ?

Mr. J. W. Bhore : Copies of the report were placed in the Library of the House on the 10th August 1925.

(b) Government are not yet in a position to say when the consideration of the report will be completed.

DISCONTINUANCE OF THE SALE OF FOOD-STUFFS ON TRAINS ON THE OUDH AND ROHILKHAND RAILWAY.

623. ***Kumar Ganganand Sinha :** (a) Has the attention of the Government been drawn to an article published in the *Indian Daily Telegraph*

on the 7th July, 1925, regarding the discontinuation of the sale of food-stuffs in Oudh and Rohilkhand Railway trains ?

(b) If so, will the Government be pleased to state the reason of such discontinuation ?

Mr. G. G. Sim : The Honourable Member is referred to the answer given in this Assembly to question No. 153 asked by Raja Raghunandan Prasad Singh.

INDIAN DELEGATES TO THE INTERNATIONAL PRISON CONGRESS.

624. ***Diwan Bahadur M. Ramachandra Rao :** Will the Government be pleased to state whether India was represented at the International Prison Congress recently held in London and also to state the names of the delegates, if any, that represented this country at the Congress ?

The Honourable Sir Alexander Muddiman : Yes, by—

1. Lieut.-Colonel W. Gillitt, C.I.E., I.M.S., Inspector General of Prisons, Bihar and Orissa.
2. Lieut.-Colonel H. H. G. Knapp, M.A., M.D., I.M.S. (retired), late Inspector General of Prisons, Burma.
3. Sir Arthur Knapp, K.C.I.E., C.S.I., C.B.E., I.C.S. (retired), late Member of Council, Madras.

Diwan Bahadur M. Ramachandra Rao : May I ask whether any report has been submitted by the gentlemen in question to the Government of India on the subject ?

The Honourable Sir Alexander Muddiman : I do not think they have submitted a report.

RECOMMENDATIONS OF THE INDIAN JAILS COMMITTEE.

625. ***Diwan Bahadur M. Ramachandra Rao :** Will the Government please lay on the table a statement showing the action taken by the Government of India in respect of each of the recommendations made by the Indian Jail Commission and the expenditure incurred by the Government of India in giving effect to the said recommendations ?

The Honourable Sir Alexander Muddiman : I think the Honourable Member will realise that it is quite impossible for me to give in reply to a question all the information for which he asks, even if that information was, which it is not, in my possession. If he desires information in regard to any particular recommendation and the information is available, I shall be glad to give it, but I must remind him that the carrying out in detail of most of the Committee's recommendations rests with Local Governments and I cannot give complete information of the extent to which effect has been given to them or of the cost involved.

Diwan Bahadur M. Ramachandra Rao : May I ask whether the Government of India have any information as regards the extent to which these recommendations have been carried out by Local Governments ?

The Honourable Sir Alexander Muddiman : We probably have some information but not complete information. If the Honourable Member will indicate what he is particularly interested in, I will have the point examined and give him such information as I have.

LETTER PUBLISHED IN THE "SEARCHLIGHT" REGARDING THE BENGAL AND NORTH-WESTERN RAILWAY.

626. ***Khan Bahadur Sarfaraz Hussain Khan** : (a) Has the attention of Government been drawn to the letter published in the issue of the *Searchlight* of the 14th August 1925, page 4, under the heading "Bengal and North Western Railway" ?

(b) If so, will they please state if the following facts stated therein, are correct ?

- (1) that the train was not a vacuum-braked train,
- (2) that a man was run over by the train,
- (3) that all the trains between Katihar and Cawnpur are vacuum-braked trains, and
- (4) that most of the trains on the Muzaffarpur and Darbhanga sections have got no latrines in the third class carriages ?

(c) If correct, are they prepared to issue instructions to the Railway authorities to remove the complaints referred to, namely, (1) that all the passenger trains on the B. and N. W. Railway are vacuum-braked trains, (2) that all heads of the engines of passenger trains on the B. and N. W. Ry. have searchlights, (3) that all the trains in Muzaffarpur and Darbhanga Sections in the 3rd class carriages should be provided with latrines ?

The Honourable Sir Charles Innes : (a), (b) and (c). Government have not seen the letter referred to. A copy of the question and answer will be sent to the Agent.

EXCLUSION OF INDIANS FROM THE CEYLON CIVIL SERVICE.

627. ***Diwan Bahadur M. Ramachandra Rao** : (a) Will the Government be pleased to state whether Indians are eligible for the Ceylon Civil Service ?

(b) If the answer to the above question is in the negative, are the Government prepared to take steps to exclude the Ceylonese from the superior service in India ?

(c) Is it a fact that the Government of Ceylon was requested in the Ceylon Legislative Council to remove the existing disability and to permit Indians to compete for the Ceylon Civil Service and that the Government of Ceylon refused to remove the disability ?

The Honourable Sir Alexander Muddiman : I gave an answer to that in reply to a question by Sir Purshotamdas Thakurdas, but I will repeat it to the Honourable Member—

- (a) They are not eligible.
- (b) Government will consider the matter.
- (c) Yes.

NUMBER OF BRAHMINS SERVING IN THE INDIAN ARMY.

628. ***Sardar V. N. Mutalik** : With reference to the reply given to a question by Mr. N. C. Kelkar, that Brahmins are admitted in the active military service, will Government be pleased to state the number of such

Brahmins actually serving in the regiments, from each of the various provinces, and particularly from the Deccan and the Karnatic of the Bombay Presidency ?

Mr. E. Burdon : For the reason already given on the 3rd February 1925, in reply to part (c) of Mr. Kelkar's starred question No. 690, I regret I am unable to furnish the Honourable Member with the information which he desires. I may mention, however, that on the 1st January 1925, there was a total of 3,528 Brahmins serving in the Indian Army, of whom 1,834 came from the Punjab and 1,484 from the United Provinces. The remaining 210 came from the other provinces but the actual numbers from each province are not known.

EXCLUSION OF BRAHMINS FROM THE MAHARASHTRA, DECCAN, ETC., FROM THE INDIAN ARMY.

629. ***Sardar V. N. Mutalik :** Will Government be pleased to state whether it is a fact that Brahmins from the Maharashtra, Deccan and the Karnatic of the Bombay Presidency and Marathi, C. P., are not admitted in the Army as fighting units, and if so, whether there are any orders to that effect ?

Mr. E. Burdon : The reply is in the affirmative. There are no fighting units reserved specifically for Brahmins of any locality. The class composition of Indian fighting units is given in the Indian Army List to which I would invite the attention of the Honourable Member. He will see from this List that the units are composed of classes, e.g., Sikhs, Dogras, etc., and not castes.

GRANT OF CERTAIN KINDS OF ADVANCES FREE OF INTEREST TO MUHAMMADAN GOVERNMENT SERVANTS.

630. ***Raja Ghazanfar Ali Khan :** (a) Are the Government aware that the bulk of Mussalmans consider it unlawful according to the tenets of their religion either to receive or pay interest on money borrowed ?

(b) If so, was this aspect of the question considered when the Government decided on the future policy of charging interest on advances made for house building purposes or for the purchase of motor cars, motor cycles, etc., and was it realized that this new ruling would be the means of depriving the Moslem servants of the Government of the concession of drawing such advances from Government if interest would be charged on them ?

(c) Are Government now prepared to consider such measures as will remedy this grievance ?

The Honourable Sir Basil Blackett : As the Honourable Member no doubt realises, it would be impossible for the Government to make advances free of interest to only one class of its servants. If a particular officer has objection to paying interest, I can only suggest that he should take the logical further step of refraining from borrowing.

RUNNING ROOMS FOR INDIAN GUARDS ON THE EAST INDIAN RAILWAY.

631. ***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 13th August 1925, under the heading " E. I. R., Indian Guards " ?

(b) If so, are the statements made therein correct ?

(c) If so, do Government propose to ask the railway authorities concerned to :

(i) justify the order of dismissal of the guard referred to ?

(ii) remove the difficulties of Indian guards regarding running rooms ?

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

(b) and (c). So far as the questions relate to the conveniences of Indian guards running rooms the Honourable Member is referred to the answer given to question No. 304 asked by Mr. S. C. Ghose.

Government have no information about the alleged dismissal of the guard.

TRANSFERS OF CERTAIN OFFICERS FROM OTHER CIRCLES AS POSTAL SUPERINTENDENTS IN THE MADRAS CIRCLE.

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

(a) if it is a fact that during recent years, the following officers were imported into the Madras Circle as Postal Superintendents from other Circles :

1. Mr. N. M. Buckner ;
2. Captain P. A. Kelly ;
3. Lieutenant C. F. G. Quilter ;
4. Mr. V. S. Sankaran ;
5. Mr. Fergusson ?

(b) If so, will they please make enquiries and state why in spite of the presence of qualified and passed departmental men, officers from other Circles were imported into the Madras Circle ?

Mr. G. P. Roy : (a) Yes, except Captain Kelly who joined the Postal Department as a probationary Superintendent in the Madras Circle.

(b) All Superintendents of Post Offices are on one general list for India and Burma, as it is occasionally necessary in the interests of service to transfer them from one Circle to another. All the transfers to the Madras Circle referred to were practically made in consequence of transfers from that Circle.

REDUCTION OF TRAVELLING ALLOWANCES DRAWN BY SUBORDINATES OF THE NORTH-WESTERN RAILWAY.

633. ***Mr. Abdul Haye :** 1. Is it a fact that the scale of pay and travelling allowance for the officers and the subordinate services in the North-Western Railway were revised and substantially increased in 1921 ?

2. Is it a fact that about two years later,—in 1923,—with a view to effect retrenchment, the question of a revision of the scale of travelling allowance was again considered ?

3. Is it a fact that as a result of such reconsideration the scale of travelling allowance for subordinates was reduced to the original rates obtaining before 1921 and the scale of travelling allowance for officers was not so reduced ?

4. If the answer to question No. 3 be in the affirmative will the Government please state the reasons why the scale of travelling allowance for subordinates alone was reduced and not for all the services ?

5. If the Government are not prepared to order a reduced scale of travelling allowance for officers, are they prepared to allow such increased scale to the subordinates as they used to get between 1921 and 1923 ?

Mr. G. G. Sim : (1) Yes, they were revised in 1921 and 1922.

(2), (3) and (4). In view of the revised classification of officers for purposes of travelling allowance, the matter was examined by Government who found that in some respects the rates for subordinates were excessive. They were accordingly revised. The maximum rates of daily allowance at present in force represent an increase of 33 per cent. in the case of subordinates and 20 to 25 per cent. in the case of officers over the pre-war rates.

(5) No.

PAY OF THE CLERKS OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

634. ***Mr. Amar Nath Dutt :** Will the Government be pleased to say whether :

(a) it is to be presumed from the answers given to the first part of (a) to question No. *2357 on the 23rd Sept. 1924 and (a) of (1) to question No. 144 on the 23rd February 1925 in the Legislative Assembly, that the benefit of counting officiating service towards increments in fixing initial pay in the time-scale was granted in the case of the officials in the clerical cadre in the whole of the Postal Department, except only in the case of those few clerks in the office of the Director General of Posts and Telegraphs ?

(b) the grounds advanced, against certain appeals against the grievances from the staff of that office that because the benefit of counting the length of service in fixing their initial pay in the time-scale was not granted in their case, the officiating allowance in the next higher grade in their case was not counted in fixing their initial pay in 1921 ?

(c) the officiating or acting allowance was counted towards increments only in the case of some 25 clerks in the old A cadre in that office in fixing their initial pay in the time-scale on 1st March 1921 and that the same concession was not granted in case of the B cadre clerks of that office, although it is understood from the late P. W. D. unofficial note to the D. G. P. and T. No. 195-P. and T., dated the 9th February, 1922 that no disparity of treatment or discrimination was at all the intention of Government ?

- (d) it is a fact that an adverse decision was made in the case of certain B cadre clerks in that office, in spite of the above fact and notwithstanding the Note-3 under Art. 155 of the C. S. R. in not calculating their initial pay in the time-scale on 1st March 1921 on their continuous acting or officiating allowance in the higher grade ?

Mr. G. P. Roy : (a) The two classes of officials were dealt with separately. The Postal Committee of 1920 inquired into the pay of certain sections of the non-gazetted staff of the Department of Posts and Telegraphs and the special concession of counting continuous officiating or temporary service towards increments in the respective time-scales was sanctioned for the staff covered by the inquiries of the Committee. The office of the Director-General of Posts and Telegraphs was not included in the Committee's inquiries and the concession referred to was not applied to the clerks of that office. The case of the latter was examined by a separate Departmental Committee, on whose recommendation separate orders were issued by Government.

(b) Officiating allowances were not counted. The principles for regulating the pay of the clerks of the office of the Director-General of Posts and Telegraphs in the revised time-scales were definitely laid down by Government and any instances in which officials were adversely affected were met by special concessions.

(c) Those "A" class clerks who would have been adversely affected by the revision were specially protected from loss of emoluments, "B" class clerks, however, ordinarily suffered no loss of emoluments.

(d) No. As specifically ordered, "B" class clerks were brought on to the time-scale at the point which gave them an immediate increase of 25 per cent. or 30 per cent. over their pay *plus* war allowance on the 1st March, 1921, according as their pay *plus* war allowance on that date amounted to more than Rs. 100 or was Rs. 100 or less. "Pay" was at that time defined in Article 38 (a), Civil Service Regulations, as "monthly substantive pay."

PAY OF THE CLERKS OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

635. ***Mr. Amar Nath Dutt :** Will the Government be pleased to say :

- (a) what is the real and clear interpretation of the Fundamental Rule 9 (21) ?
- (b) if the *pay* means "the amount drawn monthly by a Government servant" why was the continuous officiating allowance in the higher grade, drawn by certain clerks of the office of the D. G. P. and T. monthly in addition to their substantive pay, excluded when fixing their initial pay in the time-scale on 1st March 1921 in the B cadre, according to the Government sanction in paragraph 6 of the P. W. D. letter No. 417-P.W., dated the 16th Sept. 1921, in which it was only laid down that 30 per cent. increase should be given on "pay *plus* war allowance" and not "substantive pay" and that particularly no mention was made that acting or officiating allowance continuously drawn should be excluded ?

Mr. G. P. Roy : (a) and (b). The initial pay of the clerks of the office of the Director-General of Posts and Telegraphs was fixed in 1921 when the Civil Service Regulations were still in force. Consequently the Fundamental Rules did not apply. Under Article 38 (a), Civil Service Regulations, "pay" meant "monthly substantive pay" and acting allowance was therefore correctly excluded.

PAY OF THE CLERKS OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

636. ***Mr. Amar Nath Dutt :** Are the Government aware of the fact :

- (a) that paragraph 5 of the late P. W. D. letter No. 417-P.W., dated the 16th Sept. 1921 was made sufficiently elastic and was modified to an extent for the purpose of granting benefits to certain clerks of the office of the D. G. P. and T., as the result of which even a clerk having barely three years of service at his credit on 1st March 1921 in the old A cadre, was allowed an increase of Rs. 39 or 64 per cent. on only pay *plus* war allowance (Rs. 61), whereas paragraph 6 of that letter was not modified or conditions laid down in it were not relaxed, *i.e.*, continuous acting allowance in the next higher grade was not counted in fixing initial pay in the case of the clerks in the B cadre, having longer years of service at their credit on 1st March 1921, and thus for an instance such a B cadre clerk, Babu Anath Nath Bose, was allowed an increase of Rs. 4 only on that date or only 6 per cent. in the 7th year of his service, although 30 per cent. increase is said to have been granted in his case according to Government sanction ?
- (b) that a great deal of heart burning prevails amongst the clerks in B cadre thus affected in that office and no remedy has been or is being applied for those grievances of the B cadre clerks since 1921 even on several joint or individual appeals and those appeals are still pending in the D. G.'s office ?

The Honourable Sir Bhupendra Nath Mitra : (a) No. A copy of the Public Works Department letter referred to is laid on the table. The initial pay in the revised scale of 5 graduates, who had been recruited direct into the "A" class in 1919 or 1920, was at first incorrectly fixed at Rs. 80 but was subsequently refixed at Rs. 100 according to the authoritative interpretation of paragraph 5, which was never modified. Paragraph 6 of the letter in question did not prescribe that the acting allowance drawn by "B" class clerks should be taken into account in fixing the initial pay of such clerks in the time-scale.

(b) No. The revision resulted in no less than 54 "B" class clerks receiving promotion to the "A" class with immediate improvement of pay and prospects, while the remaining "B" class clerks received a percentage increase on their pay *plus* war allowance. All appeals submitted were duly considered but there were no special grounds for so modifying paragraph 6 of the Public Works Department letter as to base the percentage increase on pay *plus* war allowance *plus* acting allowance.

No. 417-P.W.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

Simla, the 16th September, 1921.

FROM

R. B. EW BANK, Esq., I.C.S.,
Deputy Secretary to the Government of India,

TO

THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS.

SIR,

With reference to Chapter III of the Booth Committee report, I am directed to say that the Government of India have accepted the recommendations of the Committee for the re-organisation of your office and are pleased to sanction the following revision of the clerical staff :

PRESENT.		PROPOSED.	
No. and classes of appointments.	Rate of pay.	No. of classes of appointments.	Rate of pay.
	Rs.	CLASS. " A "	Rs.
1 Office Superintendent.	400—40—600	1 Office Superintendent ..	500—25—700
2 Assistant Superintendents.	300—20—400	1 Assistant Superintendent } 1 Chief Clerk, Simla .. }	350—20—450
11 Head Assistants	200—20—300	12 Head Assistants ..	250—20—350
23 Clerks ..	150—10—200	135 clerks (including leave reserve of 14).	80—80—100—5—150—10—250 (efficiency bars at Rs. 150 and Rs. 200 stages).
33 " ..	100—10—150	" B " CLASS CLERKS.	
45 " ..	50—5—100	2 Head Clerks	150—10—200 (Selection appointments).
3 Clerks ..	150	55 Clerks (including leave reserve of 5).	50—50—3—80—4—140 (efficiency bars at Rs. 92 and Rs. 108 stages).
3 " ..	100		
9 " ..	80		
12 " ..	70		
20 " ..	60		
31 " ..	50		
46 " ..	40		

2. The revised scales of pay will have effect from the 1st March 1921, and from the same date the grant of war allowances will be discontinued. The reduction in the total strength of the establishment should be completed within 6 months from the date on which the new procedure is introduced or, failing compliance, a report should be submitted at the end of that period explaining why it has not been found possible to carry out the reduction.

3. With the introduction of the scale of pay now sanctioned, the duty allowance of the Chief Clerk, Simla, will cease. The allowances of the same class drawn by the two Cashiers and the Stamp Clerks, will, however, continue but these officials should be required to furnish security as shown below :

	Rs.
Cashier, Calcutta	1,500
Cashier, Simla	600
Stamp Clerk	1,000

The clerks employed in Simla will as in the past draw allowances under the Simla Allowance Code.

4. The officials now in appointments on a pay of Rs. 200—20—300 and over should be given credit for the number of increments earned in the old grades and brought on to the new grades at the corresponding stage, subject to a maximum increase of 25 per cent. over the sum of the pay and war allowance drawn on the 1st March 1921.

5. The remaining officials in " A " Class should be brought on to the time-scale of Rs. 80—80—100—5—150—10—250 at one step next above the stage which is nearest to, but not less than, the amount representing the total of the pay and war allowance drawn on the 1st March 1921. Thus, an official whose pay *plus* war allowance on that date amounted to Rs. 168 would be brought on at the Rs. 180 stage of the time-scale.

6. The clerks in " B " Class should be brought on to the time-scale of Rs. 50—50—3—80—4—140 at the point which will give them an immediate increase of 25 per cent. or 30 per cent. over their pay, *plus* war allowance on 1st March 1921, according as their pay *plus* war allowance on that date amounted to more than Rs. 100 or was Rs. 100 or less.

7. In transferring a man in a grade not higher than that of Rs. 100 from " B " to " A " class, the pay that would be admissible to him if he were not being so transferred should be calculated and he should be brought on to the " A " Class scale at the lowest stage which will give him an increase over the pay which he would have drawn if he had remained in " B " Class. A man in the Rs. 150 grade who is transferred from " B " to " A " class should on transfer be given the pay which he would have drawn if he had remained in the former class, that is Rs. 190.

8. Babu Ram Charan Bandyopadhyaya, one of the Assistant Superintendents, whose appointment is to be abolished, should be retired with effect from the date of the receipt of these orders and should for the period from the 1st March 1921, to the date preceding that of his retirement be granted a personal allowance of Rs. 100 a month.

9. The additional expenditure during the current year should be met from the lump provision of Rs. 1,50,000 shown at page 6 of the detailed statements in support of demands for grants—Posts and Telegraphs—for 1921-22.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) R. B. EW BANK,

Deputy Secretary to the Government of India.

MEMORIAL OF BABU ANATH NATH BOSE, A CLERK IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

637. *Mr. Amar Nath Dutt : (a) Is it a fact that Babu Anath Nath Bose, a clerk in the office of the Director General of Posts and Telegraphs,

who was fairly a senior clerk in the grade of Rs. 40 in the B cadre establishment, occupying the 3rd position and who was drawing officiating allowance continuously for more than two years in the chain of permanent vacancies, prior to March 1921, was deprived of the benefit of acting allowance when his initial pay was fixed in the time-scale of Rs. 50—140 ?

(b) Is it a fact that Babu Anath Nath Bose was deprived of his sure promotions owing to the fact that three postal pensioners were appointed in permanent vacancies ?

(c) Is it a fact that the grounds advanced in the memorial of Babu Anath Nath Bose are almost similar to that in the case of one Munshi Ram, a clerk in the Punjab Postal Circle, whose case was favourably decided only on a question in this Assembly No. 135 answered by the Honourable Member on the 8th February 1925, and that notwithstanding the mention of that fact in Mr. Bose's memorial, dated the 24th March 1925, addressed to the Honourable Member no consideration was given to it by the authorities and his memorial was withheld by the Director General ? If so, why ?

(d) And why should his memorial not be placed before the Honourable Member in charge of the Department to whom it was addressed for reconsideration and remedy of the grievances fully stated therein ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes. His emoluments were increased by Rs. 4 a month.

(b) No.

(c) No. Mr. Munshi Ram held on appointment within the scope of the inquiries of the Postal Committee of 1920, as a result of which it was ordered that the special concession of continuous temporary or officiating service being counted towards increments in the respective time-scales should be granted. Mr. Anath Nath Bose, however, belongs to the office of the Director General of Posts and Telegraphs, in which the pay was revised in 1921 in accordance with the final orders passed on the recommendations of a Departmental Committee appointed to examine the organisation of the office and to make recommendations for the revision of the pay of the non-gazetted staff. He was accordingly brought on to the revised scale with a 30 per cent. increase over his former substantive pay *plus* war allowance. His petition to Government dated the 19th August, 1924, was duly considered and rejected. His three subsequent petitions to Government including the one dated the 24th March, 1925, were properly withheld by the Director General as they disclosed no new facts or circumstances. Mr. Bose was duly informed of this action on the 17th July, 1925.

(d) Does not arise.

TENDERS FOR SOCKS FOR THE ARMY.

638. ***Maulvi Muhammad Yakub :** (a) Is it a fact that one Mr. Alopi Puranda, or some other merchant of Delhi, who has got a large stock of woollen socks and other material suitable for the Military Department, presented his tender to the proper authorities for the sale of the above articles ?

(b) Is it also a fact that the tender mentioned above happened to be the lowest or compared very favourably with the tenders received in England ?

(c) Has the tender of this Indian merchant been accepted. If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : Simultaneous tenders were recently called for by advertisement in India and from the Director General of Stores, London, for 1,90,000 pairs of socks for the Army. Messrs. Piladas Alopri Pershad & Co. tendered for the full quantity of socks to specification, all to be imported from England excepting 47,500 pairs which were in stock in Bombay. As the firm had tendered for articles which are not manufactured in India, it was permissible under rule 3 (a) of the Stores Purchase Rules to purchase the 47,500 pairs which were in India, but the firm's quotation for these was not the lowest. The entire order was placed with a manufacturing firm in India under rule 1 of the Stores Purchase Rules.

Mr. K. Ahmed : Tenders are not accepted as a rule unless they come from reliable firms : that is the practice of the Government of India.

The Honourable Sir Bhupendra Nath Mitra : No question has been asked.

Mr. K. Ahmed : Isn't it so ?

INDIANS AND ANGLO-INDIANS EMPLOYED IN THE RAILWAY BOARD.

639. ***Mr. M. S. Aney :** Will the Government be pleased to give the names of the senior Indian and Anglo-Indian members working on the staff of the Railway Board with their grade, salary and the numbers of years for which they have been in service ?

The Honourable Sir Charles Innes : The information in the form asked for will be sent to the Honourable Member.

CREATION OF NEW POSTS OF DEPUTY DIRECTOR OF FINANCE IN THE RAILWAY BOARD.

†640. ***Mr. M. S. Aney :** Will the Government be pleased to state if any new posts of Deputy Director of Finance have been created by the Railway Board, and, if so, how many and since when ?

CREATION OF A NEW APPOINTMENT OF DIRECTOR OF FINANCE IN THE RAILWAY BOARD.

†641. ***Mr. M. S. Aney :** Are the Government of India aware that the question of creating a new appointment of a Director of Finance in the Railway Board is still under consideration and has been left over for final decision by the Railway Standing Finance Committee at the last meeting held on 20th July 1925, for the consideration of the Legislative Assembly ?

CREATION OF NEW POSTS OF DEPUTY DIRECTOR OF FINANCE IN THE RAILWAY BOARD.

†642. ***Mr. M. S. Aney :** Will the Government be pleased to say whether the question of creating the post or posts of Deputy Director of Finance in the Railway Board was at any time placed for consideration before the Railway Standing Finance Committee or the Railway Advisory Council ?

† For answer to this question—see below question No. 643.

CREATION OF NEW POSTS OF DEPUTY DIRECTOR OF FINANCE IN THE RAILWAY BOARD.

643. ***Mr. M. S. Aney** : Will the Government be pleased to state the reasons for making appointments of any person on the staff of the Railway Board as Deputy Director of Finance, when the question of creating the post of a Director of Finance in the Railway Board is not yet finally decided ?

Mr. G. G. Sim : I propose to reply to questions Nos. 640 to 643 together. One post of Deputy Director of Finance was created with effect from the 1st October 1924. This post was included in the Demands discussed with the Standing Finance Committee for Railways in February 1925—see paragraphs 2 to 4 of the proceedings of that Committee of the 13th February 1925. As regards the post of Director of Finance the Honourable Member is referred to paragraph 3 (b) and (c) of the proceedings of the meeting of the Standing Finance Committee for Railways held on the 20th July 1925, from which it will be seen that the Committee agreed to the creation of the appointment for a period of 12 months in the first instance.

Mr. M. S. Aney : I beg to ask a supplementary question, Sir. Are the Government going to place any supplementary demand before this House in connection with the salaries of the Director of Finance and his staff ?

Mr. G. G. Sim : No, Sir ; it is not anticipated that any supplementary demand will be required.

RECRUITMENT OF INSPECTORS AND INCOME-TAX OFFICERS TO THE INCOME-TAX DEPARTMENT.

644. ***Mr. C. S. Banga Iyer** : Will the Government be pleased to state :

- (a) The procedure of recruitment of Inspectors and Income-tax Officers to the Income-tax Department ?
- (b) The essential and preferential qualification of candidates ?
- (c) The number of Bachelors of Commerce who have been taken as Inspectors and Income-tax Officers ?
- (d) Whether they propose to provide special facilities to B. Coms. as they are specially trained in Accounting and Auditing including Income-tax Act and Accounts ?
- (e) If the answer to (d) is in the negative, do they intend to ask the Income-tax Commissioners to give preference to B. Coms. ? If not, why not ?
- (f) How many candidates are likely to be appointed as Inspectors and Income-tax Officers this year ?

The Honourable Sir Basil Blackett : (a) and (b). I would refer the Honourable Member to section 5 (4) of the Income-tax Act, 1922, and paragraph 22 (2) on pages 80-81 of the Income-tax Manual. The appointments of Income-tax Officers are made by the Commissioners of Income-tax with the approval of the Local Government. As regards Inspectors of Income-tax, the appointments are made by the Commissioners themselves.

(c) The information is not available.

(d) and (e). The Central Board of Revenue has invited the attention of Commissioners of Income-tax to the advisability of securing men for the Income-tax Department who have had a sound training in accountancy. The possession of the degree of Bachelor of Commerce will undoubtedly be taken into consideration, but I do not think it is desirable to provide special facilities such as are suggested. Commissioners of Income-tax have been asked, other things being equal, to give preference to the holders of the Government Diploma in Accountancy, which implies practical training in accountancy and audit work.

(f) The information is not available.

RECRUITMENT OF SUPERINTENDENTS TO THE NORTHERN INDIA SALT REVENUE DEPARTMENT.

645. *Mr. C. S. Ranga Iyer : Will the Government be pleased to state :

- (a) The procedure of recruitment of Superintendents to the Salt Department ?
- (b) The essential and preferential qualifications of candidates ?
- (c) Whether the examination for their recruitment will be held this year ?
- (d) If so, how many candidates are likely to be newly appointed this year ?

The Honourable Sir Basil Blackett : (a) and (b). A copy of the rules has been placed in the Library.

(c) A competitive examination for the recruitment of candidates for the post of Superintendent of Salt in the Northern India Salt Revenue Department was held in April 1925.

(d) Four of the candidates who appeared at that examination are likely to receive appointments during the current year.

SUBJECTS FOR THE EXAMINATION FOR RECRUITMENT OF SUPERINTENDENTS IN THE NORTHERN INDIA SALT REVENUE DEPARTMENT.

646. *Mr. C. S. Ranga Iyer : Will the Government be pleased to state :

- (a) The optional subjects included in the examination for the recruitment of Superintendents in the Salt Department ?
- (b) Whether they propose to include the following subjects in the said examination—
 - (i) Accounting and Auditing, (ii) Statistics, (iii) Economics, and (iv) Business Organisation.

If not, why not ?

- (c) Whether they intend to provide special facilities to B. Coms. in that Department ?

The Honourable Sir Basil Blackett : (a) The following subjects are included in the examination for recruitment of Superintendents in the Northern India Salt Revenue Department :

Compulsory—

English Composition.

Arithmetic.

English History and Literature (elementary).

Indian History from the beginning of the 17th century and Indian Geography.

Elementary Inorganic Chemistry.

Optional—any two of—

Euclid Books I to IV.

Plane Trigonometry (elementary).

Algebra, up to and including quadratic equations.

French.

German.

Latin.

(b) It is held that the inclusion of the proposed subjects would not be an improvement on the existing curriculum.

(c) The Government of India see no reason for giving special facilities, in recruiting officers for the Salt Department, to Bachelors of Commerce.

RECRUITMENT TO THE COMMERCIAL INTELLIGENCE DEPARTMENT.

647. *Mr. C. S. Ranga Iyer : (a) Will the Government be pleased to state the procedure of recruitment to the Commercial Intelligence Branch of the Commerce Department ?

(b) Is it a fact that the nature of much of the work of the Commercial Intelligence Branch is statistical ?

(c) Are the Government aware that B. Coms. are specially trained in statistics ?

(d) If the answers to (b) and (c) are in the affirmative, do Government intend to provide special facilities to Bachelors of Commerce ?

The Honourable Sir Charles Innes : (a) In the first place, men who had a good record of service but were retrenched in 1923 are considered. Thereafter applicants in order of their registry and qualifications.

(b) Much of it does relate to figures, but it is not purely statistical.

(c) From the syllabus of the Calcutta University, it is seen that statistics is only one of several optional papers for both the Bachelor of Commerce Degree and Master of Commerce Degree.

(d) Applications from Bachelors and Masters of Commerce who have taken Statistics as one of their optional subjects already receive favourable consideration, and Government do not consider it necessary to lay down a special rule in this matter.

DIRECT APPOINTMENTS ON PROBATION OF BACHELORS OF COMMERCE TO THE SUBORDINATE ACCOUNTS SERVICE.

648. *Mr. C. S. Ranga Iyer : (a) Is it a fact that the Subordinate Accounts Service examination of the Civil Accounts Department is open only to those persons who are already working in the Accounts Department ?

(b) If so, are the Government prepared to make some direct appointments on probation ?

(c) Is it not a fact that direct appointments are generally made in the Military Accounts Offices and Posts and Telegraph Accounts Department ?

(d) Are the Government aware that such appointment will provide special facilities to B. Coms. who are specially trained in Accounting and Auditing ?

The Honourable Sir Basil Blackett : I propose to answer questions Nos. 648 and 655 together.

I would refer the Honourable Member to the replies I have already given to him on the subject. They apply to all Accounts Offices.

SUBORDINATE ACCOUNTS SERVICE EXAMINATION.

649. ***Mr. C. S. Ranga Iyer :** (a) Is it a fact that :

(i) a graduate serving in the Military Accounts Department as a clerk must have five years' substantive service before he can appear in the examination of the Subordinate Accounts Service of the Military Department,

(ii) a graduate serving in the Posts and Telegraphs and Railway Departments must have only three years' substantive service before he can appear in the Accountants' examination ?

(b) Are the Government aware that B. Coms. are specially trained in Précis Writing and Commercial Book-keeping ?

(c) If the answer to (a) and (b) are in the affirmative, are the Government prepared to take steps to reduce the period of substantive service to three years in the case of B. Coms. if not, why not ?

The Honourable Sir Basil Blackett : The answers to parts (a) and (b) are in the affirmative. The Government do not propose to make the change suggested in part (c), having regard to the importance of practical experience of Army Accounts and technical knowledge of Army administration.

RECRUITMENT OF BACHELORS OF COMMERCE BY THE IMPERIAL BANK OF INDIA.

650. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of the Government been drawn to an article in the *Bombay Chronicle* of the 17th June 1925 regarding the Indianisation of the Imperial Bank of India and particularly to the fact that the Sydenham College of Commerce trains young men in Banking and Commercial Law ?

(b) Has the attention of the Government been also drawn to an article under the heading "Bombay Commerce Graduates" in the *Times of India* of the 12th June 1925 regarding the apathy shown by Government with regard to the recruitment of B. Coms. ?

(c) If the answers to (a) and (b) are in the affirmative, will the Government be pleased to state if they propose to encourage the recruitment of B. Coms. to those departments for which they are specially fit and ask the Imperial Bank of India to recruit B. Coms. in the Bank ?

The Honourable Sir Basil Blackett : (a) and (b). The reply is in the affirmative.

(c) As I have already told the Honourable Member, the Government cannot interfere with recruitment to posts in the Imperial Bank of India. They do not consider that any special measures are called for with regard to the recruitment of graduates in Commerce to Government Departments.

ADMISSION OF CANDIDATES TO THE RAILWAY SCHOOL OF TRANSPORTATION AT CHANDAUSI.

651. * **Mr. C. S. Ranga Iyer :** (a) Is it a fact that the Transportation School at Chandausi is meant for giving training to young Indians and to those who are already serving in State Railways for qualifying themselves for superior traffic service ?

(b) If so, will the Government be pleased to state :

- (i) The qualifications necessary for outside candidates who want to join the school ;
- (ii) The period for which the training is to be given ;
- (iii) The number of outside candidates to be admitted each year ;
- (iv) The subjects and the syllabus in which the training is to be given ;
- (v) The date of admission in each year ; and
- (vi) The number of candidates who have been admitted since 1st March 1925 and their qualifications ?

Mr. G. G. Sim : (a) The Railway School of Transportation, Chandausi, is open only to men already in railway employ.

(b) (i) and (iii). Do not arise.

(b) (ii), (iv) and (v). The scheme of training varies for different classes of employees. The first course of 3 weeks commenced on the 1st of March 1925 and training was imparted to the following classes of railway employees : Junior officers, probationary officers, upper subordinates, lower subordinates. Similar courses have been held with short breaks from the 9th of April 1925. The total number of employees who can be received at the school at one time is :

Officers	..	..	..	10
Upper subordinates	..	..	..	20
Lower subordinates	..	..	..	75

(b) (vi). Government have not this information, but *outside* candidates, as stated already, are not admitted.

TRAINING OF INDIANS IN FINANCE, ACCOUNTING AND AUDITING, CURRENCY, ETC.

652. * **Mr. C. S. Ranga Iyer :** (a) Are the Government aware that Finance, Accounting and Auditing, Currency, Banking, Commerce, and Customs are central subjects ?

(b) If so, have the Government of India made any arrangements to provide facilities for training of Indians in these branches ?

(c) If not, do they intend to establish any commercial college or to take the existing provincial commercial college, if any ?

The Honourable Sir Charles Innes : (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to part (a) of the reply given by me on 27th February last to Babu Runglal Jajodia's question No. 148.

APPOINTMENT AND FUNCTIONS OF THE PUBLIC SERVICES COMMISSION.

653. * **Mr. C. S. Ranga Iyer :** (a) Is it a fact that the Public Services Commission is going to be appointed ?

(b) If so, what would be its functions ?

(c) Is it a fact that it would control the recruitment to the subordinate services of the Government of India ?

(d) If so, would the Staff Selection Board be abolished ?

(e) If the answer to (d) is in the affirmative, would any facilities be given to those persons who have already passed the Staff Selection Board examination and are still unprovided for ?

The Honourable Sir Alexander Muddiman : (a), (b), (c) and (d). I would refer the Honourable Member to the replies given by me on the 25th and 26th August.

(e) The names of the persons who have passed the Staff Selection Board examination are, I understand, retained on the Board's list as long as the rules allow, and every effort is made to find them employment. I have no reason to suppose that this procedure will not be continued.

PROVISION OF PERMANENT APPOINTMENTS FOR CANDIDATES WHO QUALIFIED AS TYPISTS AND STENOGRAPHERS IN 1924.

654. * **Mr. C. S. Ranga Iyer :** (a) Will the Government be pleased to state whether there are any candidates who qualified before the Staff Selection Board in 1924 as typists and stenographers and are still unprovided for ?

(b) If so, when are they likely to be provided with permanent appointments ?

The Honourable Sir Alexander Muddiman : (a) Yes.

(b) As I have just stated, every effort is made by the Board to place their passed candidates, but I can give no date by which permanent appointments are likely to be found for candidates at present on the lists.

APPOINTMENT OF BACHELORS OF COMMERCE IN THE COMMERCE, FINANCE (ACCTS.), ARMY (ACCTS.) AND RAILWAY (ACCTS.) DEPARTMENTS OF THE GOVERNMENT OF INDIA.

†655. * **Mr. C. S. Ranga Iyer :** (a) Is it not a fact that persons qualified in medicine are appointed in the Medical Department, those

† For answer to this question—see below question No. 648.

qualified in Engineering are provided facilities in the Railway (Engineering) Department and so on ?

(b) Do the Government propose to follow the same method in regard to Bachelors of Commerce, who are qualified in commercial subjects and accounts and auditing and appoint them in the Commerce and Finance (Accounts), Army (Accounts) and Railways (Accounts) Departments of the Government of India ? If not, why not ?

PROVISION OF FACILITIES FOR THE TECHNICAL EDUCATION OF RAILWAY EMPLOYEES.

656. *Mr. C. S. Ranga Iyer : (a) Will the Government be pleased to state whether a special officer was deputed for entering into negotiations with the Government of Bombay in respect of the Sydenham College of Commerce and Economics and with the Government of Bengal in respect of the Bengal Engineering College for providing facilities for technical education in railway service ? If "no," why ?

(b) If "yes," whether negotiations have been entered into with the two Local Governments ?

(c) If the answer to (b) is in the affirmative, what has been the result of these negotiations ?

(d) If the answer to (b) is in the negative, would the Government be pleased to state why the negotiations fell through ?

Mr. G. G. Sim : (a), (b), (c) and (d). An officer was deputed to Bombay to inquire whether the Sydenham College of Commerce and Economics would be prepared to give instruction to railway transportation probationers. It was subsequently decided that this instruction should be given at the Railway School of Transportation, Chandausi. Government have under consideration a proposal to use the Bengal Engineering College for the purpose of giving higher mechanical courses to selected apprentices intended for the superior service. The Government of Bengal has not yet been addressed on the subject.

SYLLABUS FOR THE INDIAN CIVIL SERVICE EXAMINATION IN INDIA.

657. *Mr. C. S. Ranga Iyer : (a) Are the Government prepared to take steps with a view to having the following subjects included in the Indian Civil Service examination held in India :

- (i) Accounting and Auditing, (ii) Advanced Banking and Currency, (iii) Business Organisation, (iv) Public Finance, and (v) Administration—English and Indian ?

(b) Is it a fact that the syllabus of the examination of the I. C. S. held in India includes such subjects as Engineering, Agriculture, Mathematics, etc. ?

(c) If so, are the Government of India prepared to take steps with a view to having the commercial subjects included in the I. C. S. examination ?

(d) If the answer to (a) is in the affirmative, do they intend to recommend to the Secretary of State for India to relax the age limit in the case of Bachelors of Commerce, who could not apply for admission in the last Indian Civil Service examination which was held at Allahabad ?

The Honourable Sir Alexander Muddiman : I am not at present disposed to consider any changes in the syllabus of the competitive examination for admission to the Indian Civil Service in India in view of the fact that a Public Services Commission will shortly be established and one of the primary functions of that Commission will be to advise Government on questions of this nature.

FORMATION OF A BATTALION CONSISTING OF RAJPUTS OF THE SIMLA DISTRICT.

658. ***Mr. C. S. Ranga Iyer :** (a) Will the Government be pleased to state the number of men of the Simla District who served during the Great War ?

(b) Is it a fact that a memorial had been sent by the Secretary, Rajput Sabha, Simla, regarding the formation of a separate battalion for the people of the Simla District in view of their services during the War ?

(c) If so, would the Government lay a copy on the table ?

(d) Have the Government taken any steps on the said memorial ? If so, what ?

(e) If the answer to (c) is in the negative, do they intend to take any steps ? If not, why not ?

Mr. E. Burdon : (a) Approximately 2,000 men were "recruited" during the Great War from the Simla District and Hill States for service as combatants in the Indian Army all of whom, except about 100, were Dogras.

(b) The Honourable Member is possibly referring to a letter dated the 20th August 1923, from the Secretary, Rajput Prantik Sabha (Punjab, Jammu and Kashmir) at Lahore, which was addressed to the Military Secretary to His Excellency the Commander-in-Chief.

The Government of India are not aware of a memorial having been received from any Sabha of the Simla District.

(c) and (d). I will furnish the Honourable Member separately with a copy of the memorial and of the reply which was sent to the Secretary of the Sabha on the 4th September 1923 by the Adjutant General in India.

(e) From the reply to which I have just referred in answer to parts (c) and (d) of the question the Honourable Member will see that His Excellency the Commander-in-Chief, for the reason stated, regretted his inability to accede to the request for the formation of a complete unit consisting of hill Rajputs at present.

SECURITY PRINTING PRESS, NASIK.

659. ***Sardar Gulab Singh :** (a) Is it a fact that a Security Printing Press is being opened in the near future at Nasik ?

(b) Why has such an important Imperial Press been located there instead of at Delhi, the headquarters of the Imperial Government, and a central place in India ?

(c) What is the total strength of the officers and ministerial establishment sanctioned and how is it being recruited? How many men in each branch have so far been employed and when is the establishment likely to be complete?

The Honourable Sir Basil Blackett : (a) Yes.

(b) Because the climate of Delhi is unsuitable.

(c) There are six officers at present—Colonel Willis is in charge of the Press, while five technical officers have been recruited for their technical qualifications. The ministerial staff is being entertained as necessity arises. It will be some time before the full staff is engaged. Detailed proposals have not yet been received from the officer in charge of the Press.

PERCENTAGE OF SIKHS IN CERTAIN DEPARTMENTS OF THE CENTRAL GOVERNMENT.

660. *Sardar Gulab Singh : (a) What is the total percentage of Sikhs and non-Sikhs employed permanently in the following Services :

1. Imperial Audit and Accounts Service.
2. Imperial Customs Service.
3. Imperial Salt Service.
4. Indian Stores Department (Officers).
5. Political Department?

(b) How do the Government propose to increase the percentage of Sikhs employed?

(c) How many vacancies in each of the departments mentioned above occurred since November, 1924, and how many have gone to Sikhs?

The Honourable Sir Basil Blackett : The information asked for is being collected and will be supplied to the Honourable Member in due course.

COMPETITIVE EXAMINATION FOR THE RECRUITMENT OF CLERKS FOR THE OFFICE OF THE CONTROLLER OF ARMY FACTORY ACCOUNTS.

661. *Sardar Gulab Singh : (a) Is it a fact that a competitive examination for the recruitment of clerks for the office of Controller of Army Factory Accounts is to be held in September, 1925, at different stations excepting in Punjab (including the North West Frontier Province), Bombay and Sind?

(b) Is it intended to debar the youths of these provinces from this service?

(c) Do the Government propose to have an advertisement published in the Press in the Punjab and the other provinces referred to on the subject?

(d) What is the total strength of this office and its subordinate offices (if any) which may please be shown according to provinces and communities?

The Honourable Sir Basil Blackett : (a) The examination is held only in centres in which there are offices of the Factory Accounts Branch.

It will therefore be held at Kirkee in the Bombay Presidency but not in the Punjab, Burma, Assam, Bihar and Orissa or Sind.

(b) No.

(c) It is not proposed to advertise in the papers of the provinces in which the examination is not held.

(d) I place on the table a statement giving the required information.

Statement showing the total strength of the Head Office and the subordinate offices of the Factory Accounts Branch.

	European.	Hindu.	Moham- madan.	Anglo- Indian.	Total.
Bengal .. .	1	262	7	..	270
United Provinces ..	..	70	8	1	79
Central Provinces ..	2	33	5	3	43
Bombay ..	..	31	3	4	38
Madras ..	..	40	1	1	42
Total ..	3	436	24	9	472

There are no Army Factories in the Punjab.

ALTERATIONS TO THE "D" TYPE OF INDIAN QUARTERS AT RAISINA.

662. *Sardar Gulab Singh : (a) With reference to the answer to question No. 1070 on the 3rd March, 1925, will the Government please state what decision they have arrived at regarding removing the honey-comb bricks in bath rooms of "D" type quarters (Indian) in Raisina ?

(b) Are the Government aware that the Government of India offices are about to move down to Delhi and yet this long felt complaint has not been removed ?

(c) Do the Government intend to see that the grievance is redressed before the occupation of the quarters ?

The Honourable Sir Bhupendra Nath Mitra : (a) No decision has yet been arrived at. The alteration is only one of several for which the Clerks' Association have asked and the whole question of improvements to these quarters is still under consideration.

(b) Yes.

(c) Government are unable to give this undertaking.

PERCENTAGE OF SIKH SUPERINTENDENTS AND ASSISTANTS IN THE SECRETARIAT AND ATTACHED OFFICES.

663. *Sardar Gulab Singh : (a) How many Superintendents are there in each of the Secretariat and Attached offices respectively ?

(b) How many posts are there for the Upper Division in each of the offices (Secretariat and Attached) separately ?

(c) What is the percentage of Sikhs in the posts mentioned in (a) and (b) in each of the offices? By how much is this percentage less than the proportionate number and how do the Government propose to make up this deficiency?

The Honourable Sir Alexander Muddiman: The information required by the Honourable Member is being collected and will be supplied to him in due course.

No fixed percentages have so far been laid down for particular communities. I would refer the Honourable Member to the answer to Sardar Kartar Singh's question No. 315, dated 1st September.

RE-EMPLOYMENT OF RETIRED OFFICIALS.

664. ***Sardar Gulab Singh:** (a) Will Government please state the number and age of re-employed persons, Europeans, Anglo-Indians and Indians, who have been re-employed after their retirement?

(b) Are Government prepared to remove all such persons who have shut out temporarily the doors of employment for young men whose number is increasing every day? If not, why not?

The Honourable Sir Alexander Muddiman: (a) On the assumption that the Honourable Member's question refers only to Departments of the Secretariat, the number of persons re-employed after retirement is three, namely, one Indian and two Anglo-Indians. Their ages are between 64 and 66.

(b) The persons above referred to are holding temporary appointments in the Medal Section of the Army Department in Calcutta. Their services are, I understand, not likely to be retained after the end of the current year.

PERCENTAGE OF SIKHS IN THE INCOME-TAX DEPARTMENT, PUNJAB.

665. ***Sardar Gulab Singh:** What is the total number of each of the following posts in the Income-tax Department, Punjab, and how many of them are Sikhs:

1. Assistant Commissioners,
2. Income-tax Officers,
3. Assistant Income-tax Officers,
4. Inspectors?

(b) What is the percentage of Sikhs in these appointments and by how much is it less?

The Honourable Sir Basil Blackett: (a)—

	Total No. of appointments.	Appointments held by Sikhs.
1. Assistant Commissioners ..	3	..
2. Income-tax Officers ..	26	5
3. Assistant Income-tax Officers ..	6	1
4. Inspectors	22	4

(b) The percentage of Sikhs in these appointments is 18. The concluding words of this part of the question are not understood.

Nawab Sir Sahibzada Abdul Qaiyum : May I know, Sir, if the Government of India have taken any action, as a result of the numerous questions that have been put in this House from time to time, to safeguard the interests of the minorities in the services of the Government ? If not, do they propose to take any action or will they confine themselves to merely answering these questions and do nothing more ?

The Honourable Sir Basil Blackett : I am not sure that answering these questions really assists the subject. I believe that I am correct in stating that action has been taken by the Government to secure that as far as possible due consideration is given to the interests of the various communities in the service of the various departments.

Mr. B. Das : I cannot say that of Oriyas and Biharis. Oriyas and Biharis are nowhere in Government Departments.

MESSRS. SPEDDING AND COMPANY'S CONTRACT FOR THE SUPPLY OF SLEEPERS TO THE NORTH WESTERN RAILWAY.

666. ***Lala Hans Raj :** 1. Will the Government be pleased to lay on the table a statement showing the number of B. G. sleepers (Deodar, Chir and Fir) which Spedding and Co. had to supply to the North Western Railway up to the end of June 1923, end of June 1924, and end of June 1925, under their monopoly contract of 1922 and the number of each kind actually supplied ?

2. Will the Government be pleased to state, if after the giving of the monopoly contract in 1922, the North West Railway had agreed to buy from Spedding and Co. one lakh of Deodar B. G. sleepers out of any future demand that may arise during the period of the five years' monopoly contract ?

3. If the reply to the above be in the affirmative, will the Government be pleased to state the reasons for making an advance contract, also the rate, if any, fixed for this contract, also how the promised rate, if any, compared with the present market rate ?

4. Will the Government be pleased to state the market rate for Deodar B. G. sleepers that has prevailed since the monopoly contract of Spedding and Co. was fixed in 1922 ?

The Honourable Sir Charles Innes : A statement giving the information asked for is laid on the table.

Lala Duni Chand : Were any tenders for the additional contract for the supply of one to one and a half lakhs of sleepers called for ?

12 NOON.

The Honourable Sir Charles Innes : I think the information will be found in the statement which I am laying on the table.

Lala Duni Chand : Is it true that the cancellation of this additional contract for the supply of one to one and a half lakhs of sleepers due to the strong condemnation by the people concerned of the monopoly contract given by the North-Western Railway to Messrs. Spedding and Co. ?

The Honourable Sir Charles Innes : The Honourable Member can draw his own inferences when he sees the statement.

Lala Duni Chand : Is it true that the cancellation of this additional contract was merely in view of the fact that at that very time the North-Western Railway entered into a fresh contract with Spedding and Co., to buy any quantity of sleepers that might be required during the next five years over and above the quantity to be supplied under the monopoly contract ?

The Honourable Sir Charles Innes : I suggest that the Honourable Member should read the statement that I am placing on the table and then he can put down any further questions that he thinks necessary.

Sir Purshotamdas Thakurdas : May I ask the Honourable Member if that statement contains information regarding any censure that Government may have passed on the officers concerned in this mishandling of such a large order ?

The Honourable Sir Charles Innes : No, Sir, that information is on record in the proceedings of this Assembly.

Lala Duni Chand : Is it true that now the North-Western Railway will have to buy from Messrs. Spedding and Co. about one lakh of sleepers at the rate of Rs. 7-15 while the market rate is between Rs. 6-8 and Rs. 7 ?

The Honourable Sir Charles Innes : I have already suggested to the Honourable Member that he should read the statement and then put down his further questions.

Lala Duni Chand : Is it not true that to buy about one lakh of sleepers at the rate of 7-15 from Messrs. Spedding and Co., means a free gift of over a lakh of rupees to Messrs. Spedding and Co., who have already made a middleman's profit of about 50 lakhs at the expense of those timber dealers who have been sent to rack and ruin.

The Honourable Sir Charles Innes : I must have notice of that question, Sir. I did not quite catch it.

Lala Duni Chand : May I repeat the question, Sir ?

The Honourable Sir Charles Innes : No.

Lala Duni Chand : My question is : Is it not true that now the North-Western Railway will have to buy, in accordance with the contract entered into with Messrs. Spedding and Co., about one lakh of sleepers at the rate of Rs. 7-15 while the present market rate of these sleepers is between Rs. 6-8 and Rs. 7 ? Does it not mean that the North-Western Railway will be making a free gift of over a lakh of rupees to Messrs. Spedding and Co., who have already made about 50 lakhs as middleman's profit at the expense of a large number of timber dealers who have been sent by this monopoly contract to rack and ruin ?

Mr. K. Ahmed : Without the sanction of the Members of this Assembly ?

The Honourable Sir Charles Innes : I will read out one paragraph of this statement :

“ The market rate is difficult to gauge except by inviting tenders. Tenders have recently been called for, for the first time since 1922, but the tenderers' replies have not yet been received. In September 1924, it was stated, in reply to Lala Duni Chand's question in the Legislative Assembly, that the market price for deodar Broad Gauge sleepers was then Rs. 7 ; and in January 1925, it was stated in reply to the same questioner that deodar Broad Gauge sleepers could then be bought at Rs. 6-8-0.”

Lala Duni Chand : Is it true that the lower tenders were rejected ?

1. It is understood that the contract, as stated in the question, refers to two contracts, dated November 1922, with Messrs. Spedding and Company and Bawa Dingah Singh of Lahore. Under these contracts the following table gives the figures asked for :

	Due before 30th June 1923.	Actually supplied before 30th June 1923.	Due before 30th June 1924.	Actually supplied before 30th June 1924.	Due before 30th June 1925.	Actually supplied before 30th June 1925.
Deodar	Nil.	86,220	4,00,000	6,81,312	8,00,000	11,31,804
Chir and Fir ..	Nil.	1,01,966	2,50,000	2,50,000	5,50,000	5,50,000

The annual supply of 4 lakhs deodar and 2½ to 3 lakhs chir and fir may be supplied between 1st April of one year and 30th June of the following year.

2. An agreement was made in February 1923 with the same contractors for the supply of 1 to 1½ lakhs deodar sleepers on the same conditions and at the same price. Owing to foreign railways of the N. W. R. group cancelling their demands the contractors were asked to cancel this agreement. The contractors did so on condition that, in the eventuality of more sleepers being required during the currency of their contracts, they should have the option of supplying at the same rates the first lakh of sleepers required in any one year over and above the yearly quantity laid down in their contracts. This was agreed to.

3. Is answered by the reply given in No. 2 above and 4 below.

4. The market rate is difficult to gauge except by inviting tenders. Tenders have recently been called for, for the first time since 1922, but the tenderers' replies have not yet been received. In September 1924, it was stated, in reply to Lala Duni Chand's question in the Legislative Assembly, that the market price for deodar Broad Gauge sleepers was then Rs. 7 each; and in January 1925, it was stated in reply to the same questioner that deodar Broad Gauge sleepers could then be bought at Rs. 6-8-0.

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I desire to make a statement on the probable course of official business during the next week.

Monday and Tuesday are assigned for the discussion of the Resolution on the Report of the Reforms Committee.

On Thursday, subject to your permission, Sir, Resolutions will be moved by the Honourable Sir Charles Innes in connection with the steel and the paper industries. The text of these Resolutions has been circulated to Members. In the event of the recommendations contained in the Resolution on the paper industry being accepted by the House, a small Bill will be brought forward to give effect to those recommendations, and the House will be asked to pass it through all its stages on the same day. The text of the Bill will, it is expected, be circulated to Members before the end of this week.

[Sir Alexander Muddiman.]

On the same day the following business will be taken :

(1) The Resolution on railway audit and accounts, of which Members have had notice.

(2) Supplementary Grants.

(3) Railway Supplementary Grants.

(4) Motions to take into consideration and to pass the following Bills which have been or will have been laid on the table of this House after having been passed by the Council of State :

(i) The Indian Succession Bill.

(ii) The Oudh Courts (Supplementary) Bill.

(iii) The Criminal Tribes (Amendment) Bill.

(iv) The Cotton Transport (Amendment) Bill.

(v) The Repealing and Amending Bill.

(vi) The Madras, Bengal and Bombay Children (Supplementary) Bill.

(vii) The Indian Ports (Amendment) Bill.

A motion will also be made to take into consideration the Indian Limitation (Amendment) Bill as reported by the Select Committee and, if that motion is passed, to pass the Bill.

As that is a very long list of business, any business which is not concluded on Thursday will stand over till the following Monday.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhamadan Rural) : May I ask the Honourable the Home Member, if we do not complete the whole business to-day, will he give to-morrow to the House ?

The Honourable Sir Alexander Muddiman : If the Government business is not completed to-day, we may have to sit to-morrow.

Mr. Jamnadas M. Mehta : But if the Government business is completed and the rest remains ?

The Honourable Sir Alexander Muddiman : No, Sir, I shall not give to-morrow if the rest remains.

Mr. Jamnadas M. Mehta : You have been promising to consider the question.

The Honourable Sir Alexander Muddiman : If the Honourable Member had been in the House yesterday afternoon he would have heard my statement immediately before the afternoon sitting.

Sir Hari Singh Gour (Central Provinces, Hindi Divisions : Non-Muhamadan) : Sir, may I inquire of the Honourable the Home Member if he is likely to give a day for the disposal of undisposed non-official Bills which have been long pending ?

The Honourable Sir Alexander Muddiman : I have already told the Honourable Member that the House has had time one day already and to-day ; if the House proceeds expeditiously to business there is no reason why the undisposed business should not be materially lessened.

THE INDIAN LIMITATION (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I have to present the Report of the Select Committee on the Bill further to amend the Indian Limitation Act, 1908.

BILL PASSED BY THE COUNCIL OF STATE.

LAI D ON THE TABLE.

Secretary of the Assembly : Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table a Bill to consolidate the law applicable to intestate and testamentary succession in British India, which was passed by the Council of State at its meeting of the 1st September, 1925.

THE INDIAN PENAL CODE (AMENDMENT) BILL—*contd.*

Mr. President : The House will now proceed to consider the Indian Penal Code (Amendment) Bill. The question is :

“ That clause 2, do stand part of the Bill.”

Dr. S. K. Datta (Nominated : Indian Christians) : Sir, I have on the notice paper an amendment which stands in my name :

“ That in clause 2, for the word ‘ thirteen ’ the word ‘ fourteen ’ be substituted.”

The other day, Sir, the Honourable the Home Member made a suggestion to this House. He said that, if this Bill were allowed to pass in an un-amended form, he would be willing to circulate another Bill which stands in the name of my friend, Sir Hari Singh Gour, and to obtain the opinions of Local Governments on that Bill. You will permit me, Sir, to make one observation with regard to that offer of the Honourable the Home Member. The Home Member has a habit—naturally enough having been once upon a time Registrar of a High Court—he has a tendency to believe in the infallibility of the views of a High Court Judge.

Now, Sir, this amendment of mine deals with a matter of social reform, social reform in its connection with the subject of public health on the one hand and education on the other. The reason why I bring this amendment before this House is that I desire to safeguard the interests of a community—a very important community in India. Unfortunately or fortunately, there are communities in this country which have been the repositories of the culture and learning of India. That may not last long. As we read the published statistics of this country it would appear that those communities are precisely the ones that practise the custom of early marriage. The other day the University of Calcutta held an inquiry into the health of its students. 9,000 students were examined. Over 60 per cent. of these students were found to have serious physical defects. What does that mean ? It means that those to whom the leadership of this country in the future will be consigned are physically incapable of discharging their responsibility. My own view is that that condition is due to children being brought to birth by immature mothers. What did the Calcutta University prescribe as the remedy for its physically unfit students ? Compulsory military training—as if compulsory military training of a nation of unfits was going to do any good. The wrong is far deeper than that. May I ask the Honourable the Home Member whether he will give us an assurance that when the Bill which he proposes to be circulated goes round to the country, he will draw the attention of the Local Government to the possible connection between

[Dr. S. K. Datta.]

physical unfitness on the one hand and early marriages on the other. I only desire information ; I do not desire to be dogmatic.

The other point to which I shall make reference—and then I will be done—is to the extraordinary figures regarding education of girls in this country. From the middle school stage upwards—in the middle school, high school, and collegiate stage—the contrast between the education of particular communities is very remarkable, if you take the three communities, the European, Anglo-Indian and the Indian Christian.....

Mr. President : Does the Honourable Member move his amendment or not ?

Dr. S. K. Datta : Yes, Sir, I am moving it. I desire to lay before you, Sir, the difference between these communities in the various stages of education for girls in this country. In the first place, if you take these three communities, the European, Anglo-Indian and Indian Christian, you will discover that these three communities number something like 3½ millions and yet, in the middle school stage there are 4,409 European and Anglo-Indian girls, 7,465 Indian Christian girls and only 11,442 Hindus. In other words, the number of girls undergoing secondary education of those minority communities exceeds that of all the majority community. The results are still more startling in the higher stages. I hold, Sir, that early marriage has a very significant connection with this question of education. On these grounds alone I could press my amendment. If, however, the House feels that they do not wish to take the vote on this matter at the present moment and if the Honourable the Home Member feels that he can give us an assurance that his inquiry will be complete I am willing to withdraw the amendment.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I wish to make my own position perfectly clear at the commencement. The Honourable Dr. Datta has asked me to give him assurances that I will make inquiries in a thorough manner. What I promised to do and what I will do is this. I will take those portions of Sir Hari Singh Gour's Bill which are not dealt with in this Bill—those new clauses of his—and I will obtain the opinion of Local Governments and Administrations on them. That is the undertaking I gave to Sir Hari Singh Gour when discussing this matter, and that I will carry out. As to the amendment before the House, after what I have said I trust my Honourable friend Dr. Datta will ask for leave to withdraw it.

Sardar Bahadur Captain Hira Singh Brar (Punjab : Nominated Non-Official) : (There was cheering when the Honourable Member rose to speak.) After this cheering, I do hope that I will get the real approbation of the House, no matter what I may put before it. Sir, in supporting Sir Hari Singh Gour's Bill—(Loud Laughter)—I may say that India is a very peculiar country. We may call it the country of temples, or a country containing peculiar ideals or customs and peculiar men. (Laughter.) Well, Sir, for ages people of my class have done very hard work. We have sacrificed all our luxuries and comforts and happiness to our Brahmin friends living far away in the South or in Bengal. (An Honourable Member : " In the Punjab also.") (Another Honourable Member : " When was that ?") We have heard the opinions of very many doctors regarding the bad effects of child marriage, how infants die or linger on in sickness and poor health. Child marriage, of course, does not much affect my part of the country. But there is one thing I am

concerned about, and that is, that our orthodox Brahmin friends are now-a-days very very keen on raising a national army and on giving us their youths to lead our future army. That is the question on which I shall speak. I think that instead of giving us leaders they ought to begin from the bottom, say from the sepoy. I wonder if these 14 year old girls' children would be able to carry a load of 25 or 30 lbs. on their backs while climbing a hill and at the same time firing at the enemy and receiving shots all round. Sir, I hope you will pardon me if I bring my point home by narrating a little story. Once upon a time some school-boys had wandered a little distance from school, when they heard the report of a rifle. A boy named Babu Lal, in a state of acute mental agitation, questioned his companions one by one and when they said that none of them had been hurt, this boy promptly concluded that he himself must have been hit, as he could not conceive a shot being fired without hitting somebody. He accordingly fell down and lay for dead. (*An Honourable Member* : "What is the moral?") He believed a shot could never be fired without hitting somebody; and since none of his comrades was hit, he assumed that he must have received the shot himself. That is the moral, Sir. (Laughter.)

Now, Sir, there is another story,—of a young soldier. While he was in action he received a bad wound in the head and was forcibly taken off the field. After he had had a little rest, he made his last request to his officer and that was to be allowed to fire a few more shots at the enemy. He was granted his request. He took up his rifle and stood up and fired several more shots at the enemy and then fell facing the enemy. Now, the House can see the difference between the two boys; between the boy who feigned death without being hit and the boy who, in spite of a fatal wound, returned to action. Can you see the moral now, Sir? I want to ask my Brahmin friends which kind of boy they are going to give us to lead the national army of the future? Will they give us a boy who was dying without being hit or the other kind of boy. This is the question before us to-day. (*Honourable Members* : "Give us another story.") I do not say, that the boy who was dying without being hit would not make a brilliant lawyer or Judge. (Laughter.) No doubt, he had brains; he knew that if he lay for dead, he would not get shot.

I will tell you one thing more. If my colleagues are very anxious to keep the age of consent as low as many of my Honourable Brahmin friends desire, we have no objection. But they will have to agree to allow us to have the monopoly of leading the Indian army. They may continue to enjoy civil appointments, in which physical fitness is not so important or necessary. (*An Honourable Member* : "What do you mean by 'we' ?") By 'we' I mean my class of people, not yours, Sir. (*An Honourable Member* : "Have you ever been hit, Sir.") No shot was made for me and that is the reason why I was not hit. Your bullets were not powerful enough to reach me, although I was a good target to shoot at.

Mr. A. Rangaswami Iyengar : Is this objection relevant ?

Sardar Bahadur Captain Hira Singh Brar : Sir, I was interrupted and it was only right that I should reply to my friend here. Sir, the national brain is founded on power and collective power can only result from individual vigour. I hold that by adopting a decent age India

[Sardar Bahadur Captain Hira Singh Brar.]

will once again produce healthy children (who will be able to lead her national army) and take her due place in the commonwealth of nations.

Dr. S. K. Datta : Sir, I beg to ask your permission to withdraw my amendment.

Mr. President : The question is :

“ That leave be given to Dr. S. K. Datta to withdraw his amendment.”

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

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, before speaking on my amendments, I wish once more to tender my grateful thanks to the Honourable the Home Member for his very generous offer which I greatly appreciate. I only wish that, when the Home Department circularise the provinces for the purpose of eliciting public opinion, they will make it clear that the Government Bill which we are passing to-day was never intended by the Government.....

Mr. President : Order, order. The Honourable Member must move his amendment first.

Sir Hari Singh Gour : I am moving my amendment.

Mr. President : The Honourable Member has not moved his amendment. Will he begin by reading his amendment to the House ?

Sir Hari Singh Gour : I was not aware of any rules under which I have to read the amendment first.

Mr. President : Order, order. The Honourable Member must begin by formally moving his amendment.

Sir Hari Singh Gour : Very well, Sir. I move my amendment which stands in my name and which runs as follows :

“ After clause 2 of the Bill, the following new clause shall be inserted, namely :

‘ After section 375 of the said Code the following new section shall be inserted, namely :

‘ 375A. It is unlawful to have sexual intercourse with a woman when she is not under 13 years of age and not exceeding 15 years of age ’.”

The Honourable Sir Alexander Muddiman : I submit, Sir, that this is not the amendment to clause 2. Clause 2 has not yet been passed.

Mr. President : The Honourable Member (Sir Hari Singh Gour) desires to add clause 2-A. So it can be taken as a whole clause.

Sir Hari Singh Gour : I resume my speech. I wish to say that when the Honourable the Home Member.....

Mr. President : Order, order. Diwan Bahadur Ramachandra Rao.

Diwan Bahadur Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : May I ask you as a point of order whether it is not necessary to put clause 2 to the House first and then to permit Sir Hari Singh Gour to move his amendment ?

Mr. President : No, it is not at all necessary.

Sir Hari Singh Gour : I want to say that when the Honourable the Home Member and the Home Department circularise the provinces for

the purpose of eliciting public opinion on my Bill, they will be good enough to make it abundantly clear that the Government measure which we are about to pass to-day was never intended to give a pause to further legislation on the subject, and that the attitude of Government in circulating the Bill for public opinion must not be understood either to be for or against that measure which must be disposed of upon its own merits, and that no Government should accept the Bill which the Government will pass as a final solution of the question associated with the Age of Consent Bill. That, I submit, Sir, is my request to Government. I further wish to point out that the Government may be pleased to analyse the views that have been expressed by Members of this House not from the standpoint of what is regarded as public opinion but also from the standpoint of what is undoubtedly public good. I shall express my views in as short a space of time as possible. Honourable Members are aware that during the last few years the census regarding the mortality of infants has been collected by various philanthropic associations and bodies, and what is it? The result is staggering, and India is found to be one of those countries in which infant mortality is appallingly high. I do not think, Sir, I am overstating the case when I say that the figures disclosed that no less than 31 to 33 per cent. of children die before they attain the age of 12 months. The Honourable Mr. Allen, whose absence in this connection I lament to-day, made a vigorous speech on the Age of Consent Bill and pointed out that the appalling mortality in this country due to infant marriages can be visualised by the Members if they would glance along the railway line from Calcutta to Bombay when they will see the tombs of these innocent babes on either side of the line as the net result of early marriages in this country. That, I submit, is the one result. The Government have in days past come forward with a philanthropic measure to suppress infanticide, but I submit it will not have succeeded in fulfilling that measure unless this appalling infanticide and matricide which is going on from day to day is immediately and finally stopped. Then, Sir, it has been pointed out in the note circulated by Sir Malcolm Hailey and it is a fact borne out by the statistics published in Medical Jurisprudence. I learn from Lyon's book on Medical Jurisprudence that no less than 78.40 per cent. of girls attain puberty after they have attained the age of 13 years and that the appearance of puberty is no sign of physical development. Well, Sir, I ask this House, and I know the House agrees with me, whether the time has not come when for the development of the nation, for the good of the individuals concerned, for the happiness of the mothers and of the family, we should not raise, and raise substantially, the age of consent.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : I rise to a point of order. I am a little bit confused, as I have read the proposal of my Honourable friend carefully and in the light of the decision just arrived at by your giving leave to Dr. Datta to withdraw his amendment. He wants to raise the age from 13 to 14, which would be the effect of that clause, while the House would not agree to raise the age from 13 to 14. Now my Honourable friend under another clause seeks to introduce a new section, making it punishable with imprisonment which may extend to two years if intercourse is committed with a woman between the ages of 13 and 14. Now, Sir, I put it to you that it is certainly reopening that question under another name.

[Diwan Bahadur T. Rangachariar.]

The House refused to increase the age from 13 to 14, and it has been decided by giving leave to Dr. Datta to withdraw his amendment. I submit, therefore, that he is reopening a question which has already been decided.

Mr. President : Sir Hari Singh Gour's motion is perfectly in order. The amendment of Dr. Datta which has just been withdrawn with the permission of the House referred to the offence of rape. This amendment seeks to create a new offence and has no relation to the offence of rape.

Sir Hari Singh Gour : After this very ill-advised interruption on the part of my orthodox friend, Diwan Bahadur Rangachariar, who has directed a flank attack upon my motion by raising a point of order which was not a point of order at all, I will resume my speech. I was going to say before I was interrupted that the question has manifold sides and the Government of India should look at it from those manifold points of view. I pointed out first the question of puberty and development, then I pointed out that it is not only good for the child and good for the mother but it is good for the nation that we must make a substantial advance in this direction. I also wanted to point out, and it has been pointed out in the Census Report of 1911, page 270, that these early child-marriages are not only destructive of infant life but they debilitate the mother and future offspring, and indeed, the whole nation. They give rise to the ill-treatment of the girl-wife, arrest her education and also arrest the education of the husband who is married to her. It has, therefore, a dual baneful influence, not only on the mother but on the child, the husband and the whole family, and through the family on the whole nation. I also wish to point out, Sir, that it has been stated in the Census Report that India is the only country in the world where early widowhood is 13.8 per cent. between the ages of 15 and 40, and owing to the custom prevalent amongst the high caste Hindus, where widows are not permitted to re-marry, the result is disastrous to the family and sometimes dishonourable to them. I therefore submit, Sir, that in order to prevent this early widowhood, in order to raise the strength of the nation, to increase its vitality and to improve generally the physical and mental development of this country, the age of consent must be substantially raised. It is not, Sir, a mere question of the counting of heads, it is not merely a question of how many people inside and outside the Assembly are prepared to vote for the change. The Government must take their courage in both hands and, convinced as I feel they must be that this is not a question of social reform but a question of international, nay universal concern that nations should not die in the manner they are dying in this country, should substantially raise the age of consent. The Honourable Pandit Madan Mohan Malaviya the other day pointed out.....

The Honourable Sir Alexander Muddiman : May I interrupt the Honourable Member and say that I do not think I am being treated fairly in this matter ? I gave an undertaking that I would circulate these new proposals on the understanding that the Honourable Member withdrew his amendment. If the Honourable Member moves his amendment, I will take the decision of the House on it.

Mr. President : It is very wrong for the Honourable Member to give an undertaking to the Home Member and then go back on it. He should not have moved the amendment and taken up so much time of the House.

Sir Hari Singh Gour : I accept, Sir, the Honourable the Home Member's offer, and I am only making a few suggestions.....

Mr. President : Order, order. The understanding between the Home Member and the Honourable Member was that the Honourable Member was not to move his amendment, and that the Home Member was to circulate this Bill.

Sir Hari Singh Gour : Very well, Sir, I accept that offer and I will not move my amendment.

Mr. President : The only thing you can do now is to withdraw your amendment which you have already moved.

Sir Hari Singh Gour : Very well, Sir. I was only making a few observations to strengthen the hands of Government.

Mr. President : Order, order. Do you wish to withdraw your amendment ?

Sir Hari Singh Gour : Very well, I ask for leave to withdraw it.

Mr. President : The question is :

“ That leave be given to withdraw this amendment.”

Those who are of that opinion will say “ Aye ” ; those of the contrary opinion will say “ No.”

(Some Members cried “ No.”)

Mr. President : Will those who say “ No ” kindly rise in their seats ?

Sir Hari Singh Gour : May I request that a record be made that only three gentlemen, Mr. Amar Nath Dutt, Diwan Bahadur Ranga-chariar and Mr. Acharya stood up ?

Mr. President : Order, order. The “ Ayes ” have it.

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

Clause 2 was added to the Bill.

Mr. President : The question is :

“ That clause 3 do stand part of the Bill.”

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muham-madan Rural) : Sir, I move the following amendment to clause 3 :

“ That in clause 3 of the Bill for all the words occurring after the words ‘ shall be punished ’, the words ‘ with simple imprisonment which may extend to six months or with fine ’, be substituted.”

I am very anxious, Sir, not to take up the time of the House, especially as I am very well aware that I do not possess either the strength of body or the strength of speech of some of my more gifted friends. I hope too that it will be unnecessary for me to make any very long speech to point out the reasonableness of this amendment to this House. It would be insulting the intelligence of this House were I to indulge in any long explanatory speech. I shall content myself therefore with stating the object which I have in view in moving this amendment. I beg to point out that by passing clause 2, which we have done just now,

[Mr. M. K. Acharya.]

we have added what may be called a new offence. I remember the day before yesterday, the Leader of the House objecting to using this language when dealing with the Bill. He is perhaps technically right but the offence of rape has been there all along on the Statute, but I do complain that in reality we are making that an offence to-day which was not an offence yesterday. If any young man of 20 years had a wife yesterday of 12 years and a few months it would not have been a crime if he led the life of a husband with that wife yesterday. Under the clause that we have now passed, it would be a crime to-day. That is the change you have effected. You have made that penal to-day which was not penal yesterday. You have made that a crime, and a very serious crime, a most culpable crime. You have made that which yesterday would not have been a crime, a crime to-day, by the vote just taken ; and in that sense you have extended, amplified, enlarged that particular section of the Act. Now in the matter of punishment at least for this new offence, let us not be unduly severe. I am making this suggestion entirely in a spirit of compromise. Having voted for clause 2, I have practically agreed to the change that is suggested, I have agreed to raising the age even of married girls to 13.

But now in a spirit of compromise, such as he himself has communicated to us, entirely in a spirit of compromise, I am asking the Honourable the Home Member to consider whether it is fair to inflict this heavy punishment of rigorous imprisonment for two years upon a boy or upon a young man who has not committed or does not feel he has committed anything wrong. I am aware what ethical lecturers might say ; that it is quite open to the young man not to commit the offence. Sir, it is very easy to preach, but it is very difficult to practise these counsels of perfection specially in a matter such as that we are discussing to-day. I do not think there are many men here who can say they have always observed the moral injunctions in the sphere of activity which is the subject matter of this particular clause. It is no use saying it is open to any man not to commit crime. Human nature is weak, youth is impulsive. And it comes to this. Up to yesterday he might have done something with impunity ; but from to-morrow, if this clause goes on the Statute-book, he shall not do it or if he does he must suffer rigorous imprisonment. Therefore, Sir, I beg of you, if you must punish him, not to punish him too severely. After all what is the object of punishment ? There is nothing sacrosanct about it. It is simply to deter people from doing a thing. In this case, perhaps his wife is 12 years and 8 months, or only 4 months short of your standard. Under your law that which you consider a crime to-day will cease to be a crime 4 months hence. Therefore why do you want a punishment of two years' rigorous imprisonment ? After all, it is no very heinous crime but only a youthful indiscretion. I again plead, Sir, that it is very difficult when the blood is strong and affections run high to control oneself. I do not want to say anything more about it. I am sure every one understands my point. It may affect none of us personally ; for there is nobody here who is very young. But I want to plead on behalf of the daughters and sons we have at home. Is there anybody who wants his daughter's husband to be sent to jail because the young man has come too close to her before she is 13 years ? If anybody will stand up and say to his son-in-law " If you dare to go too near my daughter before she is 13 years of age you shall go to jail for two years ", I shall then

know whether he has a fatherly heart. I am really appealing to you in the name of your sons and daughters. I am not basing my appeal on religion ; or on the Shastras ; although my very worthy friend over there, who has come up from Madras, with all the weight of his judicial learning and all the lightness of his literary humour to strengthen the official phalanx, twitted me very unjustly the other day with misquoting the Shastras. He did gross injustice to himself when he began to criticise without knowing what I did say or did not say. The only Shastras I referred to were not the Shastras of Manu but the speech of Sir Alexander Muddiman. I do not want to appeal to any doubtful religious instincts but indeed to the humanitarian instincts which almost seem to burst the heart of my Honourable friend over there. I ask him " Will you send a boy whose youthful passions have got the better of his discretion, jail for two years ? " And I beg of the Honourable the Home Member to say why he is brushing aside to-day all the considerable body of opinion to which he attached great weight last March. Sir, I have gone as far as I can go in response to his appeal to me to be conciliatory ; and I want him to meet me half-way. I know there are some in this House who do not want any imprisonment at all. Let him not forget there is a very considerable opinion against the Bill in that sense. There are no doubt some who want to inflict heavy imprisonment on the husband. On the other hand there are not a few who are against any imprisonment, rigorous or simple, in such a case. These latter ask : What does it matter whether it is simple or rigorous, if indeed it should be imprisonment ? Between these two extremes of those who want rigorous imprisonment and those who want to let the offender off with a censure or a small fine, I propose by way of an honourable compromise simple imprisonment extending to six months or fine the imprisonment being intended to be inflicted only in the more gross and brutal cases. Now, Sir, we are considering, let me repeat, the case of a girl who is just a few months below 13. Who is going to say, who indeed can say with precision whether such a girl is really 13 or slightly more or slightly less. She may be a few months under or over 13 ; it will be very difficult to determine the age exactly. I would therefore ask the Honourable Member to accept my proposal as a compromise in the same spirit by which he wanted us to be actuated.

Lastly, one word more to the so-called social reformers. You are not going to help the girl whom you say in such vociferous language you want to protect. When you send her husband to jail, you ruin her once for all. There is no power under the sun that can take away that disgrace which is something worse than death. The Hindu girl—and I know the feelings of the Hindu girl as well as anybody here—the Hindu girl cannot stand such a reproach, that her husband has had to go to prison because he approached her too closely. It may be different in other countries where the wife is trained to think too much of her own rights and too little of the husband that goes to jail ; but in my land of lands, of which I am proud to be a humble citizen, no girl could possibly stand the sight of her husband going to jail, because in the abundance of his affection or in the excess of his impulse it may be, he has approached her a little too closely. I urge on this House that it will be a great outrage upon our feelings of humanity that a young boy should be sent to jail, because he approaches his wife, his lawfully wedded wife, a little more closely than your man-made law permits. The object we have in view is perfectly satisfied by the punishment I propose of simple imprisonment for six months

[Mr. M. K. Acharya.]

or fine. I put this punishment of six months for a husband who commits the same offence too many times or too brutally. That is to be the maximum punishment. I want the House really to be actuated by humane feelings and to accept my proposal which will have the effect both of protecting the girl and protecting the young indiscreet husband who allows his affections to outturn his discretion. For these reasons, Sir, I hope the Honourable the Home Member will accept this amendment.

Mr. President : There are two other amendments on the question of punishment, one standing in the name of Raja Raghu Nandan Prasad Singh to provide for simple imprisonment for three months and another in the name of Mr. Duraiswami Aiyangar to provide for fine only. It will facilitate the business of the House if all three amendments were taken together. I will therefore ask Raja Raghu Nandan Prasad Singh if he wishes to move his amendment.

(An Honourable Member : "Withdraw !")

Raja Raghu Nandan Prasad Singh (Bihar and Orissa : Landholders) : I withdraw my amendment, Sir.

Mr. President : The Honourable Member has not moved his amendment and therefore can not withdraw it. I take it that he does not move his amendment.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : I shall move my amendment, Sir, in the following terms :

"That in clause 3, the words 'imprisonment of either description for a term which may extend to two years or' and the words 'or with both', be deleted ; and a similar alteration be made in the Schedule as a consequential amendment."

Mr. President : Order, order. Only the first part of the amendment is in order. The Honourable Member can not lump together two amendments to two separate clauses in this way. If he desires consequential changes to be made in the Schedule, he must put down a specific amendment for the purpose.

Sir Hari Singh Gour : May I point out, Sir, as a point of order that if Mr. Acharya's amendment is negatived by this House Mr. Duraiswami Aiyangar's amendment will necessarily fall to the ground ?

Mr. President : Order, order. I propose to take both amendments together and put Mr. Duraiswami Aiyangar's amendment first, and, if that is rejected, I will put Mr. Acharya's amendment to the House.

Mr. C. Duraiswami Aiyangar : Sir, during the whole course of the bantering debate which took place the day before yesterday in this House I had to be content to remain a dummy because I have not got either the fanaticism of orthodoxy or the frenzy of the social reformer. Therefore, Sir, I was simply delighting in the sober *via media* taken by my Honourable friend Sir Alexander Muddiman and my old revered master Professor Macphail the day before yesterday. The whole of the day before yesterday we had a good deal of the humanitarianism of the Honourable the Home Member in full swing . . .

Sir Hari Singh Gour : On a point of order, Sir. I wish to know where my Honourable friend's amendment is to be found. I have not got a copy and my friends have not got any. (*Mr. K. Ahmed* : "Nor have we !")

Mr. President : That is not a point of order. **Mr. Aiyangar**.

Mr. C. Duraiswami Aiyangar : I would request Sir Hari Singh Gour not to interrupt me in the middle of a sentence. Sir, the whole of the day before yesterday we had the humanitarianism of the Honourable the Home Member in full swing in this Assembly; and when we were discussing the excise question yesterday or when we discussed the opium policy of the Government in this House, the humanitarianism of the Home Member evaporated and the monetaryanism of the Honourable the Finance Member came into full swing.

At any rate, Sir, I think that to-day it is the turn for the humanitarian view, and I therefore put this question before the Assembly: is it humanitarian to send the husband of a young girl to jail and put her in life-long mourning? (*An Honourable Member* : "What about the wife?") I am speaking for the wives; you are inflicting a greater punishment upon the wife whose husband is sent to jail, and that is what I am bringing prominently before you and even before Sir Hari Singh Gour who professes to be the champion of Indian girls more than any other here. Sir, we have raised the age of consent from 12 to 13—for my part I do not object to it though I feel that it is wrong, but supposing, as Mr. Acharya put it, some young husband out of human weakness commits this offence, an offence which is only *malum prohibita*, but which is not intrinsically an offence, and which is made an offence only by your law—I dare say that most people may not even be aware of the change that you are making—it may be that out of ignorance of the law, which of course is no excuse in a court of law, it may be that out of human weakness a young husband commits this offence. What, Sir, is the punishment you inflict upon him? You send him to jail. I know that so far as the Madras Presidency is concerned where there are still a large number of orthodox families the consequence of this will be that the man will be made an outcaste. (*Mr. T. Vijayaraghavachariar* : "Shame.") I do not feel ashamed that we should have these orthodox people in our midst; but the consequence of sending a man to jail is to make him an outcaste. That exists still and we cannot help it; by any amount of legislation you cannot help a community making one of its members an outcaste for certain Shastric or religious reasons. Of course, Sir, I am aware that the Government of India—or rather the Government in India to be more accurate—have already popularised the jails to a certain extent by sending a number of non-co-operators there. In spite of that, Sir, there is the feeling that if a man is sent to jail he suffers a social depreciation; he falls in the estimation of society and he is made an outcaste. What is the consequence of his becoming an outcaste? His wife also becomes an outcaste because his wife, even in spite of orthodoxy, cannot refuse to go and live with the husband; the law of restitution of conjugal rights will still remain there; the wife can be compelled to go and live with the husband; and since he has been to jail, his wife's family becomes outcaste; the husband's family becomes outcaste. Just for the sake of a simple fancy of this Assembly to make a new law

[Mr. C. Duraiswami Aiyangar.]

you make a minimum of two families outcastes in society. Sir, is that the humanitarian view you are going to take? What is the object of your punishment, Sir? What is the civilised view about punishment? Is it to be deterrent? If so, the fine which you have prescribed in this section must be sufficient to deter. Is it to be reformatory? The fine prescribed is unlimited. I am not for the nominal fine which my friend Mr. Acharya proposes. I am for a heavy fine which will have a reformatory effect. But, Sir, that punishment should be vindictive is not the view of any civilised society, of any civilised community. Sir, the day before yesterday I often heard it said in this Assembly that this legislation is a progressive piece of legislation, that it wants gradually to improve society by raising the age from 12 to 13, and then from 13 to 14 and 14 to 15, and so on. If this is progressive legislation, Sir, then why should not the punishment also be progressive? Start with a fine; then go to simple imprisonment and then go to rigorous imprisonment if you please. But, Sir, from my point of view, on the grounds I have placed before this House, to me it is quite immaterial whether it is simple imprisonment or rigorous imprisonment; if you once determine to send the husband to jail, by all means send him to rigorous imprisonment for it might even improve his health in jail. Sir, I have not the slightest objection to your giving him rigorous imprisonment if the House feels that the husband should get rigorous imprisonment for this simple folly of his. Sir, I only wish to place this aspect of the question before you, that under the guise of protecting the wives, under the guise of helping poor young girls, you are only inflicting misery upon them. I therefore appeal to you, Sir, that we should start with the punishment of simple fine as the Bill is now for the first time raising the age from 12 to 13. If that is not found satisfactory then we have time enough, we have assemblies enough, we have social reformers enough to improve and amend the law by adding imprisonment to the fine. No doubt Sir, it may be that such legislation is often times only a statutory bluff. It may never be put into practice, the offence may be difficult of detection, it may be difficult of proof. But what will possibly be the consequence? If somebody takes it into his head to set the police on in order to worry his neighbour the result of it would be that he will be hauled up before the court and the poor girl, if she denies it and if the husband denies it, will have to be sent up for medical examination. Is not that harassing the poor girl for the sake of satisfying your legal requirements? If, on the other hand, a fine only is prescribed in this section, it seems to me that the husband, even if he were falsely charged with committing the offence under this section, might plead guilty before the court rather than allow his wife to be harassed and drawn outside the house to appear before the doctor. Even if he is not guilty he might plead guilty and choose to pay a fine of five hundred rupees rather than draw his wife out of the house and place her before a medical man. Therefore, Sir, it seems to me that the happiness of families in this country should not be lightly disturbed by a single stroke of the pen of this Assembly. Sir, I entreat you, I appeal to you, and to all sections of this House, to be satisfied for the present with fining the persons who commit offences under this section and not to send them actually to jail.

The Honourable Sir Alexander Muddiman: Sir, with your permission I should like to deal with both these amendments at the same time. In the first place I must ask the House to remember that the offence

which this section punishes is the offence of rape. What is the punishment provided in the law as it stands? Section 376 says:

“Whoever commits rape shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

That is the present punishment for rape. We have in this Bill raised the age by one year; we are reducing the imprisonment to two years or fine. Is not the punishment proposed under either of these amendments ludicrously inadequate?

Now, my Honourable friend, the first speaker, Mr. Acharya, made a great point of the question of boys and one would have thought from his speech that there is some statutory limitation that offenders must be boys. Now where is the law on that point? Is there any restriction in the Penal Code regarding the age of boys in connection with this offence?

Diwan Bahadur T. Rangachariar: Husbands of girls of thirteen years will not be above twenty.

Sir Hari Singh Gour: The husband may be forty or fifty.

Diwan Bahadur T. Rangachariar: That is very rare.

Sir Hari Singh Gour: Mr. Rangachariar is a boy yet.

Diwan Bahadur T. Rangachariar: Husbands of girls of thirteen years will not usually be above twenty years.

The Honourable Sir Alexander Muddiman: That is not my experience, Sir. I think gentlemen from Bengal could refer to cases of marriage of very young girls indeed to widowers, and it is for that purpose it is necessary to have a sentence which will give some discretion to the Magistrate. It does not follow that because the offence is punishable with two years' imprisonment everybody necessarily will receive two years; though I can well understand cases where two years will be a very reasonable punishment.

Then the second thing is, it is said that if we send these people to jail we ruin their married life. That is a very difficult question to answer, but the law has already considered that point. You have already a law where the effect of the man's action may be that the wife sees her husband go to jail, and you are merely extending this by one year. I cannot accept either of these amendments. If you want to make the punishment a farce, it is much better that you reject the Bill altogether. I therefore ask the House not to accept this amendment.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): May I ask the Honourable the Home Member what will happen to those girls who are newly married, who are 12 years old, but in whose case the law begins to operate from to-morrow? There will be some hardship.

Mr. A. Ranganaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I move that the question be now put.

Mr. President: The question is that the question be put.

The motion was adopted.

The original question was:

“That clause 3 do stand part of the Bill.”

Since which an amendment has been moved:

“That in clause 3, the words ‘with imprisonment of either description for a term which may extend to two years or’, be omitted, and the words ‘or with both’ be omitted.”

[Mr. President.]

The question I have to put is that that amendment be made.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : May I know, Sir, on what amendment you are taking votes ?

Mr. President : I have already read the amendment to the House.

Mr. D. V. Belvi : I want to know if it is Mr. Acharya's amendment or Mr. Duraiswami Aiyangar's amendment ?

Mr. President : The amendment has been read. It is Mr. Duraiswami Aiyangar's amendment.

(Mr. President again put the amendment to the House.)

The Assembly divided.

AYES—29.

Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aney, Mr. M. S.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Hussanally, Khan Bahadur W. M.
Jajodia, Baboo Runglal.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Majid Bakah, Syed.
Malaviya, Pandit Krishna Kant.
Misra, Pandit Harkaran Nath.

Mutalik, Sardar V. N.
Nardin Dass, Mr.
Nehru, Pandit Shumlal.
Neogy, Mr. K. C.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Shafee, Maulvi Mohammad.
Singh, Raja Raghunandan Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Kumar Ganganand.
Vishindas, Mr. Harchandrai.
Yusuf Imam, Mr. M.

NOES—64.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Khan Bahadur.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Carey, Sir Willoughby.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Chetty, Mr. B. K. Shanmukham.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Datta, Dr. S. K.
Duni Chand, Lala.
Fleming, Mr. F. G.
Ghazanfar Ali Khan, Raja.
Ghulam Abbas, Sayyad.
Gordon, Mr. E.
Gordon, Mr. R. G.
Gour, Sir Hari Singh.
Graham, Mr. L.
Hira Singh Brar, Sardar Bahadur Captain.
Innes, The Honourable Sir Charles.

Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Mahmood Schamnad Sahib Bahadur, Mr.
Makan, Mr. M. E.
Mehta, Mr. Jamnadas M.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Murtuza Sahib Bahadur, Maulvi Sayad.
Needham, Colonel R. A.
Panduranga Rao, Mr. V.
Purshotamdas Thakurdas, Sir.
Raj Narain, Rai Bahadur.
Ramachandra Rao, Diwan Bahadur M.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sarfaruz Hussain Khan, Khan Bahadur.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghuvacharyar, Diwan Bahadur T.
Webb, Mr. M.

The motion was negatived.

Mr. President : The original question was :

“ That clause 3 do stand part of the Bill.”

Since which an amendment has been moved :

“ That in clause 3 of the Bill, for all the words occurring after the words ‘ shall be punished ’ the words ‘ with simple imprisonment which may extend to six months or with fine ’ be substituted.”

The question I have to put is that that amendment be made.

The Assembly divided :

AYES—37.

Acharya, Mr. M. K.
Aiyangar, Mr. K. Rama.
Alimuzzaman Chowdhry, Khan Bahadur.
Ancy, Mr. M. S.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghulam Abbas, Sayyad.
Ghulam Bari, Khan Bahadur.
Hans Raj, Lala.
Hussanally, Khan Bahadur W. M.
Ismail Khan, Mr.
Jajodia, Baboo Runglal.
Kazim Ali, Shaikh-e-Chatgam Maulvi
Muhammad.
Kelkar, Mr. N. C.
Majid Baksh, Syed.

Makan, Mr. M. E.
Malaviya, Pandit Krishna Kant.
Misra, Pandit Harkaran Nath.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Neogy, Mr. K. C.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Sadiq Hasan, Mr. S.
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Singh, Raja Raghunandan Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Kumar Ganganand.
Tok Kyi, Maung.
Vishindas, Mr. Harchandrai.
Yukub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

NOES—59.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Carey, Sir Willoughby.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Chetty, Mr. R. K. Shanmukham.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Datta, Dr. S. K.
Duni Chand, Lala.
Fleming, Mr. E. G.
Gordon, Mr. E.
Gordon, Mr. R. G.
Gour, Sir Hari Singh.
Graham, Mr. L.
Hira Singh Brar, Sardar Bahadur
Captain.

Iyengar, Mr. A. Rangaswami.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Langley, Mr. A.
Lindsay, Sir Darey.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Mahmood Schammad Sahib Bahadur, Mr.
Mehta, Mr. Jamnadas M.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Sayid.
Murtuza Sahib Bahadur, Maulvi Sayad.
Needham, Colonel R. A.
Panduranga Rao, Mr. V.
Purshotamdas Thakurdas, Sir.
Raj Narain, Rai Bahadur.
Ramachandra Rao, Diwan Bahadur M.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sarfaraz Hussain Khan, Khan Bahadur.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharyar, Diwan Bahadur T.
Webb, Mr. M.

Innes, The Honourable Sir Charles.

The motion was negatived.

Mr. President : The question is :

“ That clause 3 do stand part of the Bill ”

I think the “ Ayes ” have it.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : The “ Noes ” have it.

Mr. President : Will those Members who say “ No ” kindly rise in their places ? (Only Mr. Dutt rose.)

Mr. K. Ahmed : See the frivolity, Sir.

Pandit Shamlal Nehru : On a point of order, Sir. (Cries of “ Order, order ”.)

The motion was adopted.

Clause 3 was added to the Bill.

Mr. President : The question is :

“ That clause 4 do stand part of the Bill. ”

Mr. Kumar Sankar Ray (Chittagong and Rajshahi Divisions : Non-Muhammadan) : I beg to move :

“ That in clause 4, in the Schedule, after the words ‘ shall not arrest without warrant ’ wherever they occur, the words ‘ which shall issue only on the complaint of a person who, if the wife were unmarried, would have been her preferable guardian ’ be inserted. ”

Section 202 of the Code of Criminal Procedure no doubt gives the courts the discretion to issue a warrant. But that discretion has been taken away in similar cases by the provisions of section 194 and other sections. The object of my amendment is to bring this present case into line with those sections; and my further object is to prevent needless interference with the domestic affairs of a husband and wife. With these objects I beg to move my amendment.

The motion was negatived.

Clause 4 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 do not propose to detain the House at this moment after the Bill has been debated at such length. I merely move that the Bill be passed.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, I rise to oppose the motion. I quite understand the feeling of the House and I shall not detain it long. But I cannot allow the Bill to pass without entering my emphatic protest. (*An Honourable Member* : “ You have already done it ”.) I submit, Sir, that the Government in this case should consider all the statements made in the House and come to the conclusion not to give effect to the Bill if it be passed. There are various ways in which the question can be considered, and must be considered, by the Government. I know I am probably talking against the constitution in a representative Assembly like this here. But the peculiar circumstances of the matter require that my appeal should be attended to carefully. I did not in my previous argument bring in the fact that marriage is a sacrament in this country. To most

it is a sacrament. Once the tie is there, I should very much request any Government not to interfere with the internal arrangement between the husband and wife. Of course, I know that already the law has interfered to a certain extent and has fixed 12 years for rape. But the fact that the section, though it is on the Statute-book, has not been of any use, has been conceded by almost every speaker here. That it has not been of any use till now is abundant proof that the Government are not really taking the interest which they ought to take in the matter in the right direction. Government could easily have provided for the matter by adopting any of the following methods. They could have made an enactment for the whole or part of the inhabitants of this vast country. Rules may be made saying that marriage shall take place only after a certain age, making exceptions if they are unavoidable. The second course would have been to leave the law as it stood so far as marital relationship was concerned and allow every kind of improvement as regards non-marital relationship. There could have been a third course also, as I pointed out. A small exception may be made in this Bill in the case of people who are bound to marry before a certain age according to their religious beliefs.

Sir Hari Singh Gour : Madras Brahmans.

Mr. K. Rama Aiyangar : They may be excluded from the operation of the Bill.

Sir P. S. Sivaswamy Aiyer : Who are bound to marry ?

Mr. K. Rama Aiyangar : My friend Sir Sivaswamy Aiyer, who is certainly competent to raise the question, asks, " Who are bound to marry before the girls attain puberty ? " I am sure he will not raise that question in Madras. He has not raised it up till now.

Sir P. S. Sivaswamy Aiyer : No boy is bound to marry below a certain age.

Mr. K. Rama Aiyangar : Now he confines it to boys. I never said, in the case of boys, that there should be any rule limiting them to a particular age for this purpose or that. I do not think the present Bill does that for that purpose. Therefore, the question does not arise. It is impossible for anybody to argue otherwise. If there is a small fraction of the population of India who will be affected in the wrong way by this Bill if it is passed into law, and when religious sentiment also comes in, it ought to be the duty of the Government to interfere as little as possible, consistently with their duty to the country. I share my Honourable friend Sir Hari Singh Gour's enthusiasm on many points, but certainly in this matter, where he ought to know better, he ought not to interfere. Of course, opinions and conduct often times vary. All I am concerned with in this Bill is this. If you are legislating for the benefit of the public, do take the full responsibility upon yourselves. Do not make a piece of legislation hitherto looked upon by even a very small section, let it be an infinitesimal section, of people as law which this Legislature ought not to pass. You know that the minority question has been raised in political reforms by the Government, and it is the one thing for which they make provision all through. Let not the minority in fact be in any way trampled under foot, or subjected to any tyranny of the majority. I certainly ask my Honourable friends, the social reformers, to consider if there are not ten families in all India now who consider marriage as a sacrament and who consider that the marriage should be consummated within 16 days

[Mr. K. Rama Aiyangar.]

of the girl attaining puberty. Will there not be 10 or 5 such families ? If so, and if you agree to that small statement, you will be committing a violent mistake in agreeing to the legislation that is to be passed and placed on the Statute-book to-day. The question that 12 years has been the limit so far does not arise on this occasion. It will therefore be necessary for the Government to consider if this is a case in which they should allow the thing to be passed without waiting, as I said already in the course of another speech, for the occasion when you will have an opportunity of sending the Bills before divisional committees to be formed, representative of several interests and several groups in the country, which might certainly advise Government better in this matter. I therefore oppose the motion.

(Several Honourable Members : I move that the question be now put.)

Diwan Bahadur T. Rangachariar : Sir, I congratulate the Assembly on the measure which is being put on the Statute-book. As a pillar of orthodoxy I have been sought to be abused, I wish I were a pillar of orthodoxy. I am not. But there is no question of orthodoxy or heterodoxy in this question. I do not share the pessimism of my Honourable friend Mr. Rama Aiyangar. I consider that my community will welcome this measure. Public opinion is advancing, and is advancing rapidly in this direction. No doubt the law hitherto has been a dead letter with reference to the age of 12 years. But it is not likely to be a dead letter between the ages of 12 and 13, for, in the one case, it was the physical improbability which made the law a dead letter. But between the ages of 12 and 13, although it is not very common, many cases of consummation do take place. I want therefore to give one word of warning in this matter that in administering the law it will have to be administered with great caution, for domestic happiness is likely to be affected in the administration of this law. I dare say the Honourable the Home Member and the various Governments will keep an eye on the administration of this branch of the law. There are communities who believe that it is an injunction which they should obey, that they should consummate marriage as soon as the girl attains puberty, but that opinion is fast dying out. There are a few people still who believe in it, but where consummation does take place on religious belief, however wrong, I think the Government should take care that such people are not harassed. On the whole I welcome the measure. I do not think the communities will abhor it as my friend Mr. Rama Aiyangar believes. I think it a very right step to be taken for the nation wants to advance politically, socially and otherwise, and I do not think that the Assembly need be ashamed of passing this measure.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, at this late hour I did not like to speak on this subject, but as the Bill is of very great importance I do not like to give a silent vote on it. I think I shall have to give some explanation about myself. In my own case it will be a kind of self-retrospection, and for those whom I represent it will be justification of my attitude. I do not want to keep the House in doubt as to my attitude in the matter. I say I support the Bill. I am in agreement with the Select Committee and for this reason, I am not a reckless reformer on the one hand, nor am I a bigoted conservative on the other. My motto in social reform has always been, " Be

always in advance of the group, and yet don't lose sight or sense of the group." That has been my motto, and I have been studiously following the motto in matters of social reform. I welcome the Select Committee's Bill as it has been put forward, because I personally like that the age of consent within marital relations should be 13 and outside marital relations 14. I do not like some of the penal provisions which have been passed. I voted against them, but I am now prepared to accept the Bill as a whole, as modified. My reason for this is that unmarried girls want greater protection than married girls, and if the age had been raised in their case further than 14, say 15 or 16, I should have voted for that also. Within the marital relations, however, I think the case is not so strong as in the case of unmarried girls; therefore I think that the golden mean has been struck when the age has been fixed at 13.

On general grounds I have to say this. This Penal Code (Amendment) Bill is not a sectional matter at all. It does not strike at the Hindu religion in particular. If it strikes at any religion it strikes at all religions, because its penal provisions are for all and it applies to all classes and communities. Therefore I would say that I may have no particular objection to this Bill more than any other community. There is herein of course to a certain extent interference with the religious customs of the country, no doubt in the case of the Hindus at any rate. But I reconcile myself to it with this view that the measure of interference with religious matters in this Bill is exactly the measure of the progress of public opinion in the matter. There is no doubt a certain amount of interference, but that interference is fully justified in the advance or progress which social opinion has made in the last few years. Now the House will realise that a very peculiar position has been created for the Hindu community, at any rate, on account of two causes. First of all there is the practice of very early marriages, and secondly, I believe, it is the Shastric injunction to perform consummation of marriage as soon as puberty occurs.

Sir Hari Singh Gour : No, no.

Mr. N. C. Kelkar : I am putting forward my own view. If you differ you may state your view. I think in my view I shall be borne out by some of the learned Hindu Pandits here and some of the lawyers. The two factors I say contributing to this position are these. First of all marriages generally take place at an early age, and I believe that the Shastras enjoin consummation of marriage as soon as puberty has been reached. In India late marriages were the vogue in olden times. From what I have read in the Puranas, marriages were performed in India at a late age. According to the custom of Swayanwara and more particularly judging by the ceremony of Chaturthikaran, Chaturthikaran means performing the consummation of marriage on the fourth day of the marriage. If that is to be done on the fourth day, it presumes that marriage itself takes place almost at the time of puberty.

Mr. M. S. Aney : May I ask if the Honourable Member is prepared to say that Chaturthikaran is prescribed for all the Shakhas and Sastras ?

Mr. N. C. Kelkar : It may not be in all, but it is in some at any rate and that suffices for my purpose. Now the Shastras, while they prescribe that consummation shall be performed on the fourth day, do not prescribe a minimum age for marriage. That is the peculiar position. In England, for instance, I am told that the minimum marriageable age is 12 and 14. That is a condition of validity, and it means that if a marriage in England

[Mr. N. C. Kelkar.]

is performed before 12 or before 14 in the case of a girl or boy respectively, then that marriage becomes *ipso facto* invalid or at least voidable. In our country however it is not even voidable if performed at an early age. You may perform this marriage ceremony of a boy and a girl in their cradles, yet if other things are the same the marriage becomes valid. You must put the two things together and see how the awkward position is brought about. The third thing is that in tropical countries puberty occurs earlier than in colder countries. In this country we have not got the benefit of cold storage which nature has provided for European people.

An Honourable Member : Divide, divide.

Mr. N. C. Kelkar : Not until I have finished.

Now what are the two remedies for this peculiar position ? One is legislation ; another is social reform. Education is already progressing. We have been lecturing ; we have been carrying on propaganda about social matters.

Mr. President : If the Honourable Member is going to be long, we had better adjourn now.

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.

(Mr. Kelkar rose to continue his speech.)

Mr. K. Ahmed : Sir, 25 persons are not present in this Assembly.

(A count was taken and it was found that a quorum was present.)

Mr. N. C. Kelkar : Sir, when we adjourned for Lunch I was making this point, namely, that there are two remedies for the peculiar position in which we find ourselves as the result of a number of factors working together. One remedy is social legislation in the Councils, and the second voluntary social reform. No. 2 has been steadily pursued. We have been doing all that we possibly can by way of voluntary social reform, but the impatience of a well-meaning ardent spirit naturally demands the operation of remedy No. 1 also. And then it becomes a challenging question, whether we are not entitled to take for humanitarian and other similar purposes the advantage of the operation of the Legislature as well. In my opinion, the simultaneous help of both these remedies must be taken, and resistance to evil must be offered, like hydraulic pressure, at all points of contact, whether it be through social agitation or through the Legislative Councils. Then the question naturally arises, if that is true, why was there the outcry, the great whirlwind agitation against the Age of Consent Bill in 1891 ? My reply to that is that it was a piece of pure political ventriloquism. That opposition was not aimed at social reform as social reform, but it was a piece of political ventriloquism. That is to say, the opponents of the Bill wanted to bring into bold relief and impress upon the minds of society that the Legislature, through which they were getting that social reform, was an unrepresentative Legislature and therefore they should have

nothing to do with it. (*Sir Hari Singh Gour* : "Nobody said that in 1891, not one in the Council".) I said it myself ; will you deny that ? I was just going to say that remember I was a college student then, and I was one of those who strenuously opposed the Bill. But I know my own mind. I know why I then opposed it and I am disclosing that fact to you now. I opposed the Bill not because I was against social reform, but I opposed it because it was to be got through a Legislative Council which was not representative. It consisted entirely of nominated Members, a number of European gentlemen sitting in the Council who knew nothing or very little about our social manners and customs, and only three or four Hindu gentlemen were in the Council at the time and even they were nominated. That being the constitution of the Council, it was a right attitude to take up for the opponents of the Bill that we should have nothing to do even with a humanitarian measure like that or a social reform measure like that, because the Council was entirely under the domination of a foreign Government, and it was not at all representative. Naturally the question then arises, do you call the present Assembly a representative Assembly ? My emphatic answer to that is that for all practical purposes it is representative enough, though I admit that it can be improved by enlarging the franchise. I long to see the day when the franchise will be enlarged, and the Assembly will be made more representative even than it is at present. I shall be quite prepared to make way for a man who possesses a greater representative capacity than myself when the time really comes. (*Mr. K. Ahmed* : "What modesty !") There is at least one technical plea which I would offer against those who say this Assembly is not representative. Being representative Members and elected Members, they are estopped from saying this House is not representative, they are estopped from denying their own representative character in the House. And if they have a representative character in the House, what is their clear duty even in a matter of legislation affecting distantly or otherwise, directly or indirectly, their own religious and social customs. I think their clear duty in all such cases, even under present conditions, is to take an intelligent part in the debate and to give a discriminating vote on the merits of each case, and not to say, "We are not representative, the country has not given any mandate to us, and therefore we shall not take any part, much less vote for or against measures of that character". Marriage, adoption and matters like those are mixed questions of religion and civil rights. There are many such other matters which involve both these things. They have a religious character and they incidentally also produce civil consequences. Now everything that results in civil consequences becomes amenable to a law court ; and my further contention is that anything amenable to a law court comes within the cognizance of the Legislature. It is on that ground that I think we must be prepared to take cognizance of a measure like this. That I suppose is a possible reason why some people even think that the codification of Hindu law is possible ; because Hindu law of course is a religious law mainly and yet it has civil consequences which are taken cognizance of by law courts and the Legislature. Therefore, some people naturally think that even Hindu law can lend itself to codification. In purely religious matters I would not allow the law or the Government to interfere. That is a matter entirely for the people who belong to that religion. But in mixed matters which have a religious character and yet at the same time produce civil consequences, I think the Legislature cannot shirk its responsibility in

[Mr. N. C. Kelkar.]

dealing with such matters. As I said some time before, the Penal Code is not, again, a measure which affects only the Hindu community ; it affects all communities equally. Whoever is in the land will be subject to the operation of this Penal Code (Amendment) Bill. Therefore I once more contend that it is our duty as Members of this representative House to take an intelligent part in measures of this kind and to give a discriminating vote. I have done both. I have given a discriminating vote. If I have voted with Government in some matters, I have voted against Government in other matters. Therefore I think I have exercised my discretion. Well, the real solution of the great difficulty that I have pointed out is to make, if possible, the age of consent and the age of marriage one and the same. You will find that already a beginning in that respect has been made in certain territories. In Mysore and Baroda I think a minimum age of marriage has been prescribed. I do not know about Mysore but I am sure about Baroda. There was a law passed by the Baroda Legislature which prescribes a minimum age for marriage. I am not concerned with the actual figure of the age, but with the principle, and my contention is that if you think it is not improper for the Baroda Legislature, which is not even as representative as our Legislature is, to pass a law of that character, and if you can submit to that legislation there, there is all the greater reason why we may with our own hands shape and fashion a measure like this. (*Sir P. S. Sivaswamy Aiyer* : " That is a despotic Government ".) Much more reason, therefore, if that is a despotic Government. You submit there to the decree of a despotic Legislature, why should we not do the same here, where we are free people in a way because, at any rate, we have got an elected majority. And I rely upon that. I do not mean to say that our elected majority is effective enough for all purposes. I know the great hitches that there are in our way. I know how the Government defy and impede us at every step. I know all that ; but this is not a matter in which Government themselves, as it were, have been taking a particular interest in pushing forward their own views, and I was really glad that the Home Member stuck steadfastly to the Report of the Select Committee and persistently opposed all the attempts of Dr. Gour to push forward the age, on the ground that public opinion would warrant only a particular age in regard to marital relations and another age in regard to non-marital relations.

Mr. C. Duraiswami Aiyangar : Why not have a heavy taxation on infant marriages ?

Mr. N. C. Kelkar : Do it by all means.

Then there was one more thing which Mr. Acharya said. I think he said that in the Brahmin community alone there were infant marriages. I take serious objection to that sort of statement. I think in non-Brahmin communities also the age is very low. It is not the curse of Brahminhood alone. The age of marriage is even low among non-Brahmins. You will find the same thing prevailing in other castes and other communities also.....

Mr. B. Venkatapatiraju : Unfortunately imitating Brahmins.

Mr. N. C. Kelkar : You may say that ; there is a desire in non-Brahmin communities to become Brahmins and to become even better Brahmins than Brahmins themselves. Now, I shall just give you a

piece of my experience, which I had the other day in a social conference at Satara, which, as it were, quite disillusioned me. I was under the impression that the depressed classes and the non-Brahmin communities would be averse to legislation on the subject of fixing a minimum age for marriage. It happened like this. I was, as it were, going to be hauled up and drawn over the coals for the part I took in the Delhi Session over this Age of Consent Bill. It was a gathering of social reformers and they were going to penalise me for not going too far. But when I attended the meeting and explained to the Subjects Committee the real part I took in the whole proceeding, they actually dropped that resolution of censure against me, and at my suggestion substituted a resolution suggesting legislation for fixing the minimum age for marriages. I myself moved that resolution in the conference, and I said I was totally indifferent whether they passed it or rejected it—that it was nothing to me. But to my great surprise I found that representatives of the depressed classes and the non-Brahmin communities in the conference got up and said, “We want this Bill.”

I would like to give another instance, and cite the example of my Marwari friend, Mr. Rang Lal Jajodia. He has made himself responsible for circulating among us a Bill for this particular purpose, for fixing a minimum age for marriage. Now, I am glad to refer to this instance, because Marwaris are generally regarded somehow or other as the most conservative community in India, and therefore when a Marwari gentleman like him comes forward with a Bill to have a law for fixing the minimum age for marriage, I take it that society is really advancing. No further proof is required to show that society is progressing.

There is one more thing I would like to say about Mr. Acharya. He says that here in this Assembly we have not come with a mandate from the electorate upon social questions. I do not know what his manifesto said ; but I know what my manifesto said, and my manifesto did not exclude social welfare of the electorate I was coming here to represent. I suppose that even my friend Mr. Acharya's manifesto must have been comprehensive enough to include matters of social welfare, though perhaps not social legislation specifically. His silence means consent. There is this further difficulty in his way—he says he has not come with a mandate on this Bill into this House. Then I take it that he has no mandate either way—he cannot vote for the Bill, neither can he vote against the Bill. Has he got a mandate to vote against a Bill like this ? I think he has not got any such mandate. Questions unexpectedly arise during a session after you are elected ; and are you going back to the voters with a plebiscite in your hand in order to collect opinions ? Of course very momentous social issues may arise at times which may throw the whole constituency or the whole country into a vortex of agitation. In a case like that, by all means go back to the electorate and get a mandate, yes or no ; take a plebiscite if you like ; but so long as that has not been done at the time of an election, and when you are sent into this Assembly, what is the proper course you have to follow ? I repeat you must take an intelligent interest in the discussions and you must give a discriminating vote. Even in a responsible and fully representative government, members are not turned out because they sometimes vote against even the pledge taken by them, because in that case they can plead the right of their own conscience and that right, I suppose, is generally accorded to representatives in representative assemblies. Therefore when there

[Mr. N. C. Kelkar.]

is no clear mandate given by the electorate, when you have taken no clear and definite pledge against voting in favour of or taking part in the discussion of a measure like this, I do not think you are justified in not taking a proper part in a matter like this.

Lastly, Sir, I would ask Mr. Acharya to agree with me in taking this as the proper guidance for the representative Members of this Assembly. Here I would refer to a passage—I think this passage was read out by our late President. I knew of it even before he referred to it in his speech—it is a quotation from Burke's letter to his electors of Bristol.

“ It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him ; their opinions high respect ; their business unremitting attention. It is his duty to sacrifice his repose, his pleasure, his satisfactions, to theirs,—and above all, ever, and in all cases, to prefer their interest to his own.

But his unbiassed opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living.”

One last point, Sir, and I have finished. The change that we are now making is only in a matter of detail. The principle is already there ; the Act is already there ; we are raising the age from 12 to 13 ; beyond that we are not doing anything in regard to the Act which is already on the Statute-book. My contention therefore is that if anybody thought that it was a wrong measure on the Statute-book, why were not notices given by any of us to cancel that Act, just as we had in the case of repressive political legislation ? If it occurred to us that we should give notices of motions for repealing repressive political measures, it should certainly have occurred to us, if we really and honestly and sincerely thought that this was a bad measure on the Statute-book, to give notices of motions to cancel that measure and take it off the Statute-book. But there the measure stands and the change that we have made is only on a matter of detail, and I think that, now that we have had our due share in the deliberation and the voting, we should accept the result as a satisfactory result.

Mr. Jammadas M. Mehta : I move, Sir, that the question be now put,

Mr. D. V. Belvi : Sir, I feel that this is an occasion on which it would be criminal on my part to give a silent vote. I have listened to the debate with considerable interest. It seems to me, Sir, that it is very unfortunate that this Bill has come up for discussion before the constitution of the Committees which are to be formed hereafter on the strength of a Resolution of which the Honourable the Home Member has given notice. I would have been perfectly satisfied if the present Bill had been referred to a large number of Hindu and Muhammadan gentlemen who are Members of this Assembly to consider it in all its bearings, but unfortunately that has not been done. It seems to me, Sir, that the change that we are introducing into the penal law of the land is not only revolutionary, but it is strictly opposed to one of the fundamental principles on which British rule is formed in this country. One of the fundamental principles of British rule in this country is that it will not interfere with the religious customs of the people of this land,....

Mr. K. Venkataramana Reddi (Guntur *cum* Nellore : Non-Muhammadan Rural) : This Bill does not interfere with the religious customs of the people of this country.

Mr. D. V. Belvi : Please allow me to speak. I shall not allow any kind of interruptions. (Laughter.) If you interrupt me a hundred times, I am quite prepared to meet those interruptions. I am a lawyer of 32 years' standing, and I am quite accustomed to take and give buffets. You are bound to listen to me quietly. You all had your say and you must now allow me to have my say without unnecessarily interrupting me.

Mr. K. Ahmed : Take a sword in hand.

Mr. D. V. Belvi : I submit, Sir, that Mr. K. Ahmed should be ruled out of order at once. We are not children here. He has no right to speak on a point which does not touch him at all.

Mr. K. Ahmed : The Honourable the Home Member is not a child.

Mr. D. V. Belvi : At any rate, I am not. Sir, as I have said, the present legislation is opposed to one of the fundamental principles on which the British Government is founded in this country, and that principle is that there should not be the least interference with the religious habits and customs of the people. The present question has been treated as if it were a purely social question. In my humble opinion it is not a social question, pure and simple. It is a question which may properly be called socio-religious. The Resolution that we discussed yesterday about prohibition was, if I may say so, a purely social question, because every important religion in the country, Hinduism, Muhammadanism, or Sikhism, prohibits the use of liquors to its followers. But what do we find in the present Bill? We find that a large number of social reformers, men of different faiths, men who are not in touch with the rural population of the country, men who are not orthodox in the least sense of the word, men who eat and drink freely anywhere they please and yet choose to call themselves orthodox, or at any rate call themselves Hindus and Muhammadans are supporting this measure. We are legislating here not for people who sit in this Legislature alone. We are legislating for three hundred millions of His Majesty's subjects of various classes, of various shades of opinions, of various grades of educational and religious opinions. This point must be clearly borne in mind in passing this legislation to-day. I am told that the law was amended in the year 1891. I know it perfectly well. I remember that I took an humble part in that legislation. I was not a Member of Council then, but I was a law student, and I may tell the House that I did support that measure. But there is a considerable difference in raising the age of consent from 10 to 12 and from 12 to 13. I am of opinion that the religious law of the people must be allowed to have its free course; people must be left to their good sense.

Now, Sir, we have been told by my Honourable friend Sir Hari Singh Gour that in 78 per cent. of cases girls do not in this country attain their puberty or pubescence until they complete their 13th year. I submit, Sir, that the most damaging argument against this Bill has been furnished to us by no other gentleman than Sir Hari Singh Gour himself. If there is no danger in the case of 78

[Mr. D. V. Belvi.]

per cent. of the girls out of 100 attaining their puberty before their 13th year, then where is the need for legislation? Where is the need for wounding the religious susceptibilities of a large number of orthodox people? Do the Honourable Members of this House know that there will be a storm of opposition from orthodox quarters to the legislation which is now being ushered in by the Honourable the Home Member? Have the religious heads of the various communities been consulted on this point? Are there not Jagadgurus whose opinions should have been taken? (*An Honourable Member*: "Who are these Jagadgurus?") My friend does not seem to know that a man becomes a Sannyasi and a Guru of the Hindus in the normal course of life. At any rate, they are the recognised heads of the Hindu community. (*There were a few interruptions which were inaudible at the Reporter's table*). Please do not interrupt me for God's sake. If you do not like my arguments, you are quite welcome to go out of the hall. (*Loud Laughter*.) My contention is that European Members of this Assembly do not appreciate the feelings of the orthodox people as far as Hindus are concerned. Most of the Members here are reformers, and I have given a description of these reformers. They are Hindus in a certain sense, but they are not Hindus in the real sense, because they eat and drink very freely. They go to Europe, they cross the *Kala Pani*, and they do anything they choose, and yet they call themselves Hindus because they choose to do so. I submit, Sir, that they are not the real representatives of the Hindu community so far as the present question is concerned.

Mr. K. Ahmed: They are called reformed Hindus.

Mr. D. V. Belvi: I do not choose to reply to my friend Mr. K. Ahmed. Although he does not wear bells and a cap, he very frequently interrupts people of my humble type.

Now, Sir, the present Assembly consists of a large number of people who do represent people in certain matters only. My Honourable friend Mr. Kelkar said that we have come here as the representatives of the people, and therefore we have a right to exercise our own good sense and give our assent to the Bill. I beg to differ from him. I do not agree with him at all. If the Hindu and Muhammadan and Sikh gentlemen who are in this Assembly and who support the Bill have the courage of their convictions they should demand a dissolution of this Assembly at once and they should give up their seats, go back to the country and seek a fresh election on this very point. If they come back with the mandate of the country, I should be the very first to congratulate them on their success. But they have no right to come here and say that because an eminent gentleman like the Home Member thinks that by passing this legislation the Hindu and Muhammadan communities will be benefited, this legislation should be passed and forced down the throats of millions of His Majesty's orthodox subjects.

Now, as I said, there is a considerable difference between the legislation of the year 1891 and the present enactment. It should be remembered that there has not been a single case from the year 1891. We know that a brute of a husband named Hari Maiti committed rape

on his young wife of 10. The poor girl died, and the man was tried and convicted in Calcutta, and the Bill that was introduced in the old Imperial Legislative Council by Sir Andrew Scoble was the result of it. We have been told that the old Imperial Legislative Council was not a fully representative body. My Honourable friend Mr. Kelkar said that the case of this Assembly is altogether different. Let me tell him that matters stand on a different footing altogether. If you have read the proceedings of the old Imperial Legislative Council of the year 1891—and you can get a copy downstairs in the Library—you will find that the late Sir Romesh Chandra Mitter was the one man who raised his voice against that legislation, because he was a sensible man, he was a Judge of the Calcutta High Court, a man who understood the feelings of the large mass of the population.

He quietly accepted the measure on this ground that as a rule Hindu girls or for the matter of it any girls in this country do not generally attain their puberty before they complete their twelfth year. That was the ground on which the Bill was supported by the late Rao Bahadur Nulkar in the Imperial Council, who was the only Hindu gentleman who supported that measure. But what do you find at present? There has not been in the course of the last 30 years one single case. I submit this is a piece of unnecessary legislation.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, on a point of explanation, I should like to refer to a statement, which was made in this House last February, in contradiction of the allegation that there have been no cases under the Act of 1891. There have been 8 cases, Sir, in the last three years, 1921—24.

Mr. D. V. Belvi : I accept the correction with thanks, Sir. But 8 cases in the course of three years out of a population of 300 millions. And where are the cases during the remaining 27 years or so? If there have been 8 cases, the offenders in all these cases have been punished. Then, we were glibly told by certain gentlemen that the Hindu Shastras and the Hindu religious books do not contain anything to show that marriage according to Hindu opinion should be consummated within a certain number of days of the attainment of puberty. I would only ask those gentlemen to look into the files of the *Kesari* newspaper for the year 1891. It was amply disclosed that there are explicit religious injunctions in various Shastras. The late Lokmanya Bal Gangadhar Tilak took a leading part in the agitation on this very ground. My Honourable friends will find very interesting reading there. Sir, do not think that there are no Shastras enjoining the consummation of marriage within a definite time after the attainment of puberty. If you like, say you are out to defy Hindu law. Admit it; say, "We are reformers, we wish to set Hindu law at naught". But don't for God's sake say that there is nothing in the Shastras, and that there are no people who scrupulously respect the Shastras. There are millions of people who respect them. They may be wrong in their views. I don't myself believe in these Shastras. I don't observe the Shastras in my private life. But I believe in voluntary action; I object to this forced legislation. I object to this legislation on principle. We have no right to legislate in socio-religious matters for the people of this country. (*Mr. H. G. Cöcke* : "Why not?") (*Mr. K. Ahmed* : "Why did you come here then?")

[Mr. D. V. Belvi.]

There has been some confusion in this discussion between the words "marriage" and "consummation". My Honourable friend, Mr. Kelkar, has told us that even among non-Brahmins celebration of marriages takes place among children. Celebration of marriage is altogether different from consummation of marriage. We are really considering the time for the consummation of marriage according to the text of the Hindu religion.

Now, I prefer the Bills which are likely to be introduced—I mean the Bills of my Honourable friend Rai Sahib Harbilas Sarda and my Honourable friend, Mr. Jajodia. In one case it is intended to fix the age for the marriage of Hindu girls at 12 and in the other case the age for the marriage of boys is to be fixed at 16. If the Honourable the Home Member was really courageous, if he really believed that injury was being done to a large number of girls in this country, why did he not introduce a drastic measure of this kind instead of bringing in a measure which is not wanted by anybody in this country? If a plebiscite is taken by the Government, at any rate if the religious heads of the various communities are consulted, I am quite sure that a large number of people will be found who are against this piece of legislation. Then, Sir, you have to take into consideration the opinions of the various Governments; the opinions of the various Judges of the High Courts; the opinions of other leading men that have been consulted. You should not let your opinion be imposed upon people who are not unfortunately here to share in the discussion. Do not for God's sake force your opinion on other people who are not willing to accept it. To me it seems that if you persist in passing this piece of legislation, the British Government will undoubtedly rue the day on which it was passed. It may be very difficult to reconcile the people of this country to this measure. Sir, I tell you this in all sincerity to friends. Do not be carried away by the voice of a few people who are in this Assembly. They are heterogenous people—they are a motley crew and intellectual hybrids if you will pardon me for the expressions. They have no right whatever to force their views upon people who are not willing to accept them.

What is the nature of this legislation? Boys are to be sent to jail. And do you know the consequences that will accrue from this act? Perhaps it will be thought that this legislation will not harmfully affect my Muhammadan friends. I submit that my Muhammadan friends are much mistaken if they think so. The Muhammadan Members of this Assembly know as much of the Muhammadan rural population as my Hindu friends here do of the Hindu rural population. We have all been born and bred in towns; we have received an English education. (*Cries of "No"*.) We have got a superficial veneer of European civilisation and we copy the manners and opinions of the West. (*Mr. W. M. Hussanally*: "What about the case of Muhammadans?") In the case of Muhammadans, I submit there are millions of Muhammadans who are illiterate and are not of the opinions which are held in this Assembly by the literate Muhammadans. (*Mr. K. Ahmed*: "There is no reason why they should not be educated. By raising the age, they uplift themselves.") This is not the way to uplift the people. This is the way to lift them out of their religious customs altogether.

I agree with the arguments of my Honourable friend, Nawab Sir Abdul Qaiyum whose speech struck me yesterday as a very sensible speech. He foreshadowed the dangers which will flow from the present legislation. Among orthodox Muhammadans if a single boy is arrested and taken to court, under the proposed law I fear that there will be, in all probability, bloodshed and there will be a breach of the peace. No Muhammadan will stand the outrage on his boy. Take my word for it. Government will remember my words. I may not be alive then. I may be dead, but my words will remain. I repeat my warning that Government will have to rue the day on which this legislation was forced on unwilling and orthodox people. (*Cries of "I move that the question be now put"*.) I know, Sir, that some of my friends here are very anxious to reach some of the Bills on the paper. But I think the present Bill is of much more importance than any number of those Bills. I do not care two straws for any of them.

Then it is said that no notice was given to repeal the existing law. But I have already explained that marriage is not consummated before the girl attains her puberty and no girl attains her puberty as a rule before she is 12 so that the present law is perfectly in consonance with common sense. I submit that it would be advisable for the Honourable the Home Member to consult the leaders of the Hindu community, the Muhammadan community, the Sikh community, and the heads of the various religions, before he embarks on this dangerous legislation. It is really dangerous, and I have no doubt on this point. I oppose it from the bottom of my heart.

(*Several Honourable Members* : I move, Sir, that the question be now put.)

Mr. Amar Nath Dutt : Sir, although I know what will be the effect of my opposition to this Bill, still, I feel it my duty not to record a silent vote against this mischievous piece of legislation. Sir, reference has been made to what transpired in the year 1891 which led to legislation of this type so far back as 34 years ago. Sir, I also remember the agitation and the indignation that was roused in the country at that time, although I was a student then, and many of the Members present here may remember that that was the occasion on which one of the Indian newspapers became a daily newspaper, I mean the *Amrita Bazar Patrika*. It was the agitation against that legislation which made it a daily newspaper. The occasion which gave rise to legislation for raising the age of consent to 12 years was the death of a girl of 8. (*A Voice* : "Are you sure it was 8?") I am sure it was 8 years. If you consult the Indian Law Reports you will see.

Sir Hari Singh Gour : 11½ years is the reported age.

Mr. Amar Nath Dutt : I contradict my friends who are lawyers of more years standing than myself. (*A Voice* : "Liars?") I do not know whether they are liars, but I know that they are lawyers. Whatever that may be, Sir, since then, no statistics are available as to how many cases of death there have been in the case of girls of over 12. Those statistics are not available. But one set of statistics has been given this afternoon by my Honourable friend Mr. Tonkinson to the effect that

[Mr. Amar Nath Dutt.]

within the last three years there have been 8 cases, and I presume they are cases below 12 as they must be. If in this vast continent of India consisting of 30 millions of people there have been only 8 cases, i.e., 2½ cases per year, would that be an occasion for legislation on matters like this and raising the age of consent still higher? I most respectfully ask this House to consider what are the number of deaths annually or even monthly from motor car accidents in the town of Calcutta only. I would also ask Members of this House to consider the number of deaths from ruptures of spleen in the Assam tea gardens. They are probably more than this. Have these facts necessitated any legislation? No.

Then again, it has been said that we ought to legislate on this matter and that there is precedent for this though this is a piece of social legislation, because, Government abolished that inhuman practice of burning *sates* on funeral pyres about 100 years ago. Now, Sir, I do not know whether that was a social rite or a religious rite, but I know that it was an inhuman practice, and no analogy can be based upon legislation in matters like that. Further, if I have to concede to Sir Hari Singh Gour that it was a piece of social legislation, may I ask him, "Do two wrongs make a right?" Certainly not.

As regards the mischievous provisions of the Bill I have more than often observed in this very House that what we fear is an unscrupulous police and members of an opposite faction in our villages which are torn by factions under the present system of Government, if I may be permitted to so observe, because, they have introduced so many things in our village life to create factions. Formerly we had only social factions, but now we have factions arising out of litigations. Further the villages are divided into factions for those so-called self-governing bodies introduced amongst the rural population, without any education. Considering the present state of Bengal villages, of which I have some experience, I say that there is not a single village, at least in the province of Bengal, which is not divided into various factions arising from social causes, litigations and village boards. There are the three things which divided the poor, unsophisticated people of the villages. Sir, it will be very easy for any member of an opposite faction to get up a case and to disgrace a member of the opposite faction by lodging a complaint. That is my main objection.

Then, Sir, it has been said that we ought to undertake this piece of legislation in order to educate the uneducated masses. I beg to submit that society does not progress in this way. We must depend upon historical forces rather than upon this sort of legislation—this sort of meddlesome legislation—for furtherance of social reform, whether it is reform in the right direction or in the wrong direction. Society progresses by fictions and half avowals of truth and Indian society is no exception to that. I am not one who is versed in the Shastras. But I take note of the fact, Sir, that at least 300 millions of people believe in the Shastras and the sanctity of the Shastras, and it is only a few handful of people, who take their dinners in the Hotel Cecil with Muhammadans and call themselves Hindus who want to legislate for really pious orthodox Hindus who would not cross the threshold of a Muhammadan or a European and who would not take water when wearing

shoes. We want to legislate for them. It has been said that that has not been the mandate of our electorates. What was the mandate of our electorates? We did not come here to legislate on social matters. We did not come here for the so-called uplifting of the morals of our people. The only thing for which we came here was for the constitutional struggle in which India is engaged at the present time and to free India from the yoke of the British bureaucracy. We wanted to have a round table conference to frame the constitution which would govern India in the future. All these things are not cared for. We come here and now gravely sit and waste so many hours over a piece of legislation about which opinion is divided. I submit, Sir, that you waste the time not only of this House but also of the people of India who want to march onward towards freedom and who want to free themselves from this administrative machinery which can bring forward a Bill like this and impose its own social ideas upon a people whose culture, ideas and civilisation thoroughly differ from the principles of the Bill. I am not surprised if one day a Bill is brought forward to compel the people to go to the temple of Kali or Durga and to bow down their heads there and sacrifice goats, which for a *Vaishnava* will be a great sin. Sir, I submit that to legislate on social and religious matters such as this is not within the province of this Legislature, and it is certainly not for us, who have come here after getting the mandate of our own constituencies to fight for the freedom of our own country, to legislate in a matter like this about which opinion is divided. With these few observations I oppose the Bill.

The Honourable Sir Alexander Muddiman: Sir, I would like to make one or two observations on this discussion but I will be exceedingly brief. The speeches made on the third reading of the Bill would have been more appropriate to the second reading. They went into the principle of the measure and the opposition on the second reading was not developed apparently until the third reading. I would also like to say how the speeches delivered to-day illustrated what I have been pressing on the House both this and last Session, namely, the need of caution in these matters. I do think that the course we have taken was justifiable and advisable; we have made a step forward. If the House passes this Bill it will be a step in advance; but at the same time I do not want the House to think that I do not sympathise, though I may not agree, with the views of those orthodox Members which have been put forward so vehemently to-day, or that we desire to disregard their feelings on the matter. It is not a feeling that any Government can afford to ignore, nor should I like them to think that the Government do not take the opposition in a perfectly serious way. We do and we use the utmost caution before we go against their views. We have with the assistance of this House made a step forward and it is obvious from the speech of Mr. Rangachariar that we carry with us the more advanced wing of the orthodox party. That gives me much satisfaction. It is not the desire of this Government or of any Government, I am sure, to neglect the feelings of any portion of the community. It is our duty to give effect to those feelings, and I do hope that this discussion, which has been greatly prolonged, on this Bill will have at any rate one desirable effect, namely, that it will show us all the necessity of a compromising course in these matters.

With these few observations I move that the Bill be passed.

Mr. President : The question is that the Bill be now passed.
The Assembly divided.

AYES—84.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhury, Khan Bahadur.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaaswami.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Carey, Sir Walloughby.
Chalmers, Mr. T. A.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chartres, Mr. C. B.
Chetty, Mr. R. K. Shanmukham.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Dr. S. K.
Duni Chand, Lala.
Fleming, Mr. E. G.
Ghazunfar Ali Khan, Raja.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. E.
Gordon, Mr. R. G.
Gour, Sir Hari Singh.
Graham, Mr. L.
Hans Raj, Lala.
Hira Singh Brar, Sardar Bahadur
Captain.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jinnah, Mr. M. A.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.

Kazim Ali, Shaikh-e-Chatgam Maulvi
Muhammad.
Kelkar, Mr. N. C.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Mahmood Schamnad Sahib Bahadur, Mr.
Makan, Mr. M. E.
Mehta, Mr. Jannadas M.
Misra, Pandit Harkaran Nath.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Murtuza Sahib Bahadur, Maulvi Sayad.
Needham, Colonel R. A.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Panduranga Rao, Mr. V.
Phookun, Mr. Tarun Ram.
Purshotamdas Thakurdas, Sir.
Raj Narain, Rai Bahadur.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sadiq Hasan, Mr. S.
Sarfaraz Hussain Khan, Khan Bahadur.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Sinha, Kumar Gangunand.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tok Kyi, Maung.
Tonkinson, Mr. H.
Venkatapatiraju, Mr. B.
Vijayaraghavacharyar, Diwan Bahadur T.
Vishindas, Mr. Harchandrai.
Webb, Mr. M.
Yakub, Maulvi Muhammad.

NOES—11.

Abul Kasem, Maulvi.
Aiyanger, Mr. C. Duraiswami.
Aiyanger, Mr. K. Rama.
Aney, Mr. M. S.
Belvi, Mr. D. V.
Dutt, Mr. Amar Nath.

Ghose, Mr. S. C.
Jajodia, Baboo Ranglal.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Neogy, Mr. K. C.

The motion was adopted.

THE COAL GRADING BOARD BILL.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I beg to move :

“ That the Bill to provide for the grading of coal and for the grant of certificates for coal intended for export, as reported by the Select Committee, be taken into consideration.”

After the exciting debate we have just had I think that the House will turn with a sense of relief to the humdrum subject of coal, and I think I shall also be interpreting the feelings of the House if I deal with this motion exceedingly briefly. I will merely remind the House that the Bill I am putting forward is a voluntary Bill, and that before I put it forward, I obtained the consent of the coal trade to the main provisions of the Bill, and that the House accepted the principle of the Bill by referring it to a Select Committee. In that Select Committee, though our report is a very short one, we examined the Bill clause by clause with the greatest care, and I think that we have improved the Bill. In particular I think the amendment made in clause 4 of the Bill is a very real improvement, and I hope that now the House will accept the unanimous recommendation of the Select Committee and will pass the Bill. I need not remind the House of what I said, when I proposed that the Bill should be referred to a Select Committee, namely, that the Indian Coal Committee, on whose report this Bill is based, recommended that, whatever action we should take, we should take as quickly as possible. Before I sit down, I should like to refer very briefly to the note appended to the Select Committee's Report by Mr. Jamnadas Mehta and Mr. Abhyankar. I do not wish to enter into controversy with those two Honourable Members on the point they have raised ; I merely wish to point out to the House that at this stage we are not dealing with the cause of the loss of the export trade, we are dealing with the question of how we can best recover that trade, and I think Mr. Jamnadas Mehta and Mr. Abhyankar both agree that the best thing we can do to assist the coal trade to recover their trade is to pass this Bill. Sir I move.

Sir Willoughby Carey (Bengal : European) : Sir, I do not want to waste the time of the House in discussing this Coal Grading Bill at any length. The Honourable Member recently gave us an exceedingly interesting, and in the main correct, account of the position of the coal trade when asking for permission to introduce the Bill and refer it to a Select Committee? There is only one point on which I should like to comment. The Honourable Member rightly said that the Government and Railways have of late shown signs of wanting to be good to us. I say " us " because for many years I was working in, and still am largely interested in, the Indian coal trade. We do recognise that Railways have been provided with funds for rehabilitation, from which among other trades the coal trade has benefited by a considerable improvement in railway facilities and wagon supplies, and that we have been given encouragement for export in the form of a rebate, with I hope more to come. But there is just this. A part of the difficulty we are suffering from at present of over-production of certain grades of coal and the consequent closing down of certain mines and certain seams has been partially brought about by the great expansion of output in mines owned by Government railways and other railways. I and others fought this subject on behalf of the Indian Mining Association fifteen years ago, but we were defeated, and permission for expansion of railway-owned collieries was given. But we did then foresee something of what has happened since. However, I am not going to say anything more about the sorrows of the coal trade. They have been very continually and loudly emphasized for many years, and the outcome is the present Coal Committee's Report, for which our thanks are due to Government. If the House accepts this Bill, I believe that it will be a step towards the

[Sir Willoughby Carey.]

return of a brighter future which, in due course, we anticipate for the trade as a whole.

As to the Bill itself, I have been very carefully and very fully into it, and believe that it will be a workable Bill, that it covers the ground and provides a good working scheme for bringing back the export trade in coal. If this Bill should in the course of the next few years enable the trade to recover its export markets by re-establishing and keeping up the credit of Indian coal with the aid of the rebate which is proposed, I think we may say it will be certain that many mines which are now closed will again find a market and will be able to re-open. Also, and this is a point which those in the coal trade have well before them, it will enable us to find a first market for some of the coal from the new fields which are now being opened. That is important because railways are going into the new coal areas and it is essential that the export trade should be recovered to assist us to get the product of those new fields marketed.

I should like to say just one word with regard to the general question of the supply of coal because a consumer, a very well known consumer in this House, has asked me quite recently the question as to whether if the export market is again recovered to the extent that it existed a few years ago there would be a sufficient supply of first quality coal for the Indian consumer. This is a point which ought to interest the House. I think that the Honourable Member will be able to reassure them, and if they will also take my word for it, I too can assure them, that there is more than enough good quality coal to last India for hundreds of years already in sight and a great deal which has not yet been sampled or even discovered.

It is a trite remark but a very true one that a prosperous coal export trade makes a prosperous coal trade, and a prosperous coal trade generally means a prosperous industrial condition in a country. This is just as true of India as it is of the other countries of which it has been said. Therefore, Sir, I ask the Assembly to pass this Bill and to pass it as soon as possible so that it may come into force as soon as possible.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhamadan Rural) : Sir, I support this motion for the consideration of the Bill and in doing so I would like to explain that the minute which my Honourable friend Mr. Abhyankar and myself have written is in no sense a minute of dissent but one which merely explains our position, namely that the report of the Coal Committee itself is not wholly acceptable to us although the Bill as now drafted is the right way to improve the coal trade.

Sir, there are three or four points in the Bill which require consideration but we are working against time to-day and I shall therefore make a brief reference only to one or two of them. Sir, the Board as it will be constituted under the Bill has not secured general, not to say universal approval. We know that the Board could be improved in a manner which would make it more acceptable to the trade and the consumer. But that will take time, and therefore it is best to accept the Board as at present proposed to be constituted leaving it to the future to improve it as circumstances suggest.

There is another objection to the Bill in some quarters, namely, that of rebate and preference in respect of wagons to the export coal trade. I agree that generally this sort of preference cannot and should not be granted but the question is one of reviving a trade which has been killed by a combination of circumstances and therefore this Assembly must come to its assistance particularly because in a sense it was partly the action of Government themselves that was responsible for its stoppage. I do not want to enter into that controversy here because it does not really affect the Bill as drafted. But let us remember that on the question of the Coal Committee's report opinion is not quite unanimous ; but whatever the opinion the fact remains that to-day the only way to improve the export trade is through the machinery which the Bill provides. Sir, I support the Bill.

Mr. K. O. Neogy (Decca Division : Non-Muhammadan Rural) : Sir, I had the privilege, 18 months ago, to bring to the attention of the House the serious difficulties under which the coal trade had been suffering for a long time. The issue that I raised on that occasion was quite different from the subject matter of the present Bill but, Sir, the present legislation is the only tangible action which Government have taken since that time, in aid of the trade. Sir, the problem with which the coal trade has been faced since 1923 has been one of shortage in demand. This position was contributed to by various circumstances chief among which were decline in the demand at home, loss of the export market and the invasion by foreign coal. The Resolution which I had the honour to move related only to the last of these three circumstances, and the Coal Committee was appointed to consider the question as to how best the export markets which were lost to the trade could be recovered. In practice, however, the Coal Committee has covered a more extensive field than it was expected to do by its terms of reference. Among the more important recommendations which the Coal Committee has made are the following three :

- (1) that a further rebate of coal freight for export from the coal-fields to the docks should be made to the extent of 50 per cent. of the present rebate ;
- (2) that a waiving of Port Commissioners' charges should be made to the extent of Re. 1-4, and
- (3) that a Grading Board should be established.

In this measure, we are merely giving effect to the last of these three more important recommendations of that Committee. Sir, the Indian section of the coal trade consider that the importance of a Grading Board has been rather exaggerated by the Committee. They further think that the constitution of the Grading Board should follow other lines than have been adopted in this measure. I myself put forward these views in the Select Committee, and the fact that we have presented a unanimous report in support of the measure does not show that I have yielded on these points. But Sir, I had to agree to the Bill as a sort of compromise ; and I know that this measure, in so far as it affects the constitution of the Grading Board and confines the additional rebate only to graded coal, will not meet with the approval of the Indian section of the coal trade. So far as the other questions which affect the future of the coal trade are concerned, the Honourable Member in charge has

[Mr. K. C. Neogy.]

not made any definite pronouncement. The three points on which the coal trade want to be assured as early as possible are : firstly, that the promised reference to the Tariff Board on the question of the countervailing duty on South African coal should be made at the earliest possible moment. The second is that the reduction of railway freight should be effected not merely for the benefit of coal sent out of India but for the benefit of internal consumers as well. I am aware that this question of the reduction of railway freight was considered at a meeting of the Traffic Committee of the Indian Railway Association Conference in July last at Bangalore, but nothing is known as to what decision they arrived at on this important question. Sir, the third point on which the trade wants to be assured is that the rapid expansion of the railway collieries should not be allowed to interfere with the future of the coal trade. I do not want to detail the last point because reference has already been made by my Honourable friend Sir Willoughby Carey to this very important question. It is an irony of fate that the coal trade has to look for protection to the Honourable Sir Charles Innes ; and at the same time my Honourable friend, in his capacity as Member for Railways, permits the expansion of railway collieries which is not a little responsible for the present condition in which the coal trade finds itself. Sir, I hope that my Honourable friend will take the opportunity of this debate for making a definite declaration on the various points that my Honourable friend Sir Willoughby Carey and I have raised.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I would not have ventured to rise on this occasion to say a few words, but I feel that the Bill that is being considered by this House carries a very important moral with it. The Bill, Sir, is a curative measure of direct help to the coal trade, and I wish to point out and to remind the Government of India that the necessity for this curative measure was the fact that the Government of India overlooked the various warnings which were given to them by the commercial community, when several acts of omission and commission occurred in connection with the official control of the coal trade started during the war period. I do not wish to rake up any of the controversy which is connected with an officer of the Government of India who is no more. But I feel very strongly to-day that if only the Government of India had been a little more responsive than they were in connection with this whole history during the war period, it is possible that the coal industry would not have been in the sad plight, to rescue it from which the Commerce Member has agreed to give this direct help. Nobody grudges the help which the coal industry is receiving at this juncture. Indeed many of us feel that if anything it is a little belated, and the best hope that I can extend to the coal industry is that even at this juncture this assistance will help them materially. But the moral for the Government of India, if they will take it to heart, is that when an important industry is in distress it is not advisable and it is not wise to wait until the industry is on its last legs and the Government find themselves stampeded into the appointment of a committee and offer the meagre assistance which they propose to to-day in the case of the coal industry. A stitch in time, Sir, saves nine. If the coal industry had been assisted by the Government of India against the various factors artificially and avoidably working against it during the last several years, I am sure that the Commerce

Member to-day would not have had to ask that this measure should be passed immediately and now—otherwise the condition of the coal industry might go beyond help. I only wish, Sir, that the moral of this will be taken to heart and that the Government will not hereafter be unduly slow in attending to advice and recommendations from quarters which know best regarding the various industries of India. I have great pleasure, Sir, in supporting this measure.

The Honourable Sir Charles Innes : Sir, I should like to take up first the point made by my Honourable friend Sir Purshotamdas Thakurdas. I must confess that I never expected that I should be accused by Sir Purshotamdas Thakurdas of being unresponsive to the demands of the commercial community in this matter of coal. For I may tell the Honourable Member that one of the reasons why we were forced to impose that embargo upon coal was pressure from almost every Chamber of Commerce in India including the Chamber which the Honourable Member has the honour to represent. . . .

Sir Purshotamdas Thakurdas : If I may interrupt the Honourable Member, did the Honourable Member attend to complaints from various Indian Chambers and Associations regarding the distribution of wagons ?

The Honourable Sir Charles Innes : We did our very best in very difficult circumstances. . . .

Sir Purshotamdas Thakurdas : Your very best was very poor, if I may say so with due deference.

The Honourable Sir Charles Innes : If we had not done our best, a certain company, of which the Honourable Member is a Director, would not be in existence to-day—I refer to the Tata Iron and Steel Co.

Sir Purshotamdas Thakurdas : The existence of that company was vital to the Government of India and to the successful termination of the war. I wish the Honourable Member would not wrongly urge this so often.

The Honourable Sir Charles Innes : I am very reluctant to get into a controversy on this point. . . .

Sir Purshotamdas Thakurdas : The Honourable Member starts it himself and has not the patience to allow others to correct his incorrect statements.

The Honourable Sir Charles Innes : I should like to refer very briefly to what my Honourable friend Sir Willoughby Carey said about State coal mines. I may say that for many years past I have been in the closest consultation with the Honourable Member with regard to this question of coal, and I have received the very greatest assistance from him in a very difficult problem. I admit that this question of State coal mines for railway purposes has become recently a vexed question. I am preparing a reply to the Indian Mining Federation on the subject and as soon as that reply is ready I shall publish it ; but I should just like to ask the Honourable Member one thing. He is speaking on behalf

[Sir Charles Innes.]

of the Indian coal trade. Is he satisfied that the Indian coal trade is entirely guiltless in this matter and will he not admit that it was the way in which we were squeezed and that the prices charged to us for coal in 1920 and 1921 was one of the reasons that compelled us to go in for this method merely in order to protect ourselves? Let me give one instance. In 1923 we were raising coal ourselves in one of our collieries, in the Giridih colliery, at less than five rupees a ton; and at the time we were being charged by Indian coal owners anything from eight rupees to eleven rupees twelve annas a ton. That, Sir, is one of the reasons why we were compelled to protect ourselves by investing in our own collieries. I can bear out what the Honourable Member said about the internal consumer. He need not have any apprehensions in regard to this Bill. I can assure this House that even if we do by means of this Bill enable the Indian coal trade to recover its export trade, we shall not hurt the Indian consumer in any way at all. It is a question largely of railway facilities, and now we have so improved our railway facilities that we can undertake that we shall be able to supply the export trade as well as the internal consumer. Let me mention one fact. During the last year, we carried on Indian railways one million tons more coal than we had ever done before, and that is entirely owing to our increased facilities.

Mr. Neogy raised the question of the promised reference to the Tariff Board. We are under a pledge to refer the question of tariff protection of the coal trade to the Indian Tariff Board and we stand by that pledge. The trouble is that the Indian Tariff Board is a very busy body indeed. As Mr. Neogy knows, it has been much occupied with steel, paper, cement and other industries and I am afraid that coal has been so far crowded out. We have done something for the coal trade by appointing the Indian Coal Committee; but the Honourable Member may rest assured that we will do our best to have the question of tariff protection taken up by the Tariff Board as soon as possible.

I want at this stage to refer to the question of long distance freights. As Mr. Neogy said, the question was referred to the Traffic Committee of the Indian Railway Conference which met at Bangalore; there will be a meeting of the Conference at the end of this month or the beginning of next month here, which will discuss the whole question thoroughly. I hope we shall be able to come to a decision then. That, I think, Sir, is all I need say in regard to the various points raised in this Bill.

Mr. President : The question is :

“ That the Bill to provide for the grading of coal and for the grant of certificates for coal intended for export, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : The question is :

“ That clause 3 do stand part of the Bill.

Mr. M. S. Aney (Berar Representative) : Sir, I beg to move the amendment to clause 3 (1) which stands in my name, namely :

“ To sub-clause (1) of clause 3 the following further proviso be added :

‘ Provided further that a person so nominated need not be a member of any of the said bodies and that he shall be either :

- (a) a geologist, or
- (b) a sampler and analyst, or
- (c) a mining engineer, or
- (d) a combustion engineer ’.”

My work, Sir, has been considerably lightened by the observations which my Honourable friend Mr. Jamnadas Mehta made in regard to the motion for taking the Report of the Select Committee into consideration. The provisions in the Bill are undoubtedly based upon the recommendations regarding the constitution of the Grading Board made by the majority of the Members of the Indian Coal Committee. But I wish to bring to the notice of this House that the recommendations, particularly with regard to the constitution of the Board in which is going to be vested considerable power as regards grading and classification of coal, have not given universal satisfaction. The recommendations have been criticised from various quarters and in various ways, when judged by the light of the evidence that has been recorded by the Committee. It appears that the chief central authority constituted is the Grading Board, at the head of which is the Chief Mining Engineer to the Railway Board. Now that person is the subject of the greatest mistrust among the coal traders or those who have to deal with him as consumers.

The Honourable Sir Charles Innes : I would ask the Honourable Member the authority for his statement.

Mr. M. S. Aney : I was trying to draw the attention of the Honourable Member to certain passages in the Report, and the evidence recorded by the committee. In fact, the evidence given by one Mr. Craig of the Burma Railways Company really proves that the Mining Engineer and the staff under him have not been credited with good work, I mean sufficient vigilance and carefulness, as regards the inspection of coal. A similar complaint has been made by a gentleman from Karachi. But whatever it is, my position is this. Somehow or other, the Chief Mining Engineer to the Railways is now the President of this Board.

Then another thing in connection with this is that the Board consists of 4 other members, two representing the consumers and two representing the coal trade. But the principal function which the Board has to perform is somewhat of a technical nature. And as regards the constitution of the Board which consists of these two interests only, I would only refer the House to the strong minute of dissent written by Mr. Banerjee in this Report. Therein he has clearly shown that the present constitution is not really calculated to give satisfaction to the coal trade. I do not want to read out the whole of paragraph 24 ; but I shall read only one passage which is very suggestive and which has some bearing upon the amendment which I am moving now. The passage reads thus :

“ In such a case, the latter bodies will be in a position to depute one man who has had technical knowledge of mining and geology, and another who will be representing the commercial aspect of the trade.”

[Mr. M. S. Aney.]

What he really intended to say was that the persons who are going to be on the Board ought to have sufficient knowledge of mining and geology, so that they may be in a position to do their work of classification, etc., properly. It is not merely the consumers' interest and the commercial aspect that has to be taken into consideration. The work entrusted to the Board is of such an important nature that the certificate issued by the Board ought to command respect in foreign markets. It is for that purpose that the system of certification is being strongly urged, and it is with a view to enable the exporters to get certificates which shall command respect that the Board is being constituted. Now, Sir, if we look to the nature of the work which the Board has to perform, we shall find that it is undoubtedly of a technical nature. From paragraph 105 of their Report, we get some idea of the work of classification entrusted to the Board :

“ They have to classify coal ; they have to declare that it is of a particular nature ; they have to declare the coal to be of a particular quality, that there is a certain percentage of ash and over, some calories with a certain amount of moisture in it.”

And so it is a technical piece of work. Therefore, if we allow only the representatives of the Indian Mining Federation and of the Bengal Chamber of Commerce, it is quite possible that men may be sent by them, who may be very good business men, but whose capacity to do the particular kind of work entrusted to them as regards classification of coal, etc., will not be quite up to the mark, and therefore, the whole thing will remain practically, so far as the technical aspect of the work is concerned, in the hands of the Chief Mining Engineer to the Railway Board. Now, if the Chief Mining Engineer to the Railway Board has unfortunately been the subject of considerable criticism, then it is better that he should be assisted by certain experts from outside, and as we do not propose to make any radical changes in the provisions of the Bill, and as we are anxious along with the Honourable Member in charge of the Bill that this matter should be expedited as far as possible, and as it is very necessary that relief to that trade should be given as early as possible, it is for us to see whether or not it will be possible to compel these bodies who have the right of nominating their members to choose such members only as shall possess the requisite qualifications. It is from that point of view, Sir, my amendment should be looked at by this House.

Sir, in regard to this matter, I would even have read out certain passages from the evidence, but I am also anxious, as I stated at the beginning, that the Bill should be passed as early as possible, because some relief is immediately needed for the coal trade.

The third thing which I would like to say in regard to this matter is that even the majority of the members of the Committee on whose recommendations the present constitution of the Board is framed, are themselves not quite satisfied with the constitution they have suggested. But the one consideration which they had in mind is that the Board would be very unwieldy if further additions were made. It will be clear to the House what the majority had in their mind from the passage that I will just read out to the House. They are not at all satisfied with the present constitution of the Board. This is the passage :

“ It is only because we do not wish to increase the size of the Board that we refrain from suggesting the addition of two members with practical experience of

coal fields, and we strongly recommend that the Indian Mining Association and the Indian Mining Federation should select as their representatives men with a knowledge of practical mining and not merely of the commercial side of the coal trade.”

I would particularly invite the attention of the Honourable Members of this House to this passage in the Majority Report itself. That means that what they feel diffident about is, that if we do not impose any restrictions at present in the Statute itself, it is quite possible that men will be selected, who may be very good business men, but who will not be able to help the Board in the principal work which is to be done by it, and therefore for the sake of securing some such facility, and also for guarding against any nomination of members with no technical knowledge of coal classification, it is necessary to provide in the Statute itself some restrictions. My amendment is intended only to meet that purpose. With these remarks, Sir, I commend my amendment to this House for acceptance.

Mr. C. B. Chartres (Associated Chambers of Commerce : Nominated Non-Official) : Sir, I rather sympathise with the idea that the Honourable Mover of this amendment has, if his object is to get a Board in which both the trade and the consumers of Indian coal can have the most absolute confidence. I do not think, however, that the method which he has advocated in his amendment is the best way to achieve that end. The Bill itself provides that the Board shall consist of five members. The first is the Chairman, who being the Chief Mining Engineer to the Railway Board, is a highly technical officer and is very well qualified to carry out the duties that have been entrusted to him. Of the two next members on the Board, one will be nominated by the Indian Mining Association and the other by the Indian Mining Federation ; and it is only reasonable to suppose that these two bodies which are themselves very interested in the trade and consequently desire to have the best Board possible, will appoint to that Board fully qualified men who will be able to carry out their duties in the very best possible manner to the advantage of the Board.

Then, the other two members of the Board are to be representatives of the consumers. Now, I do not think that the consumers would be entirely satisfied to have a geologist put on the Board to represent them. It does not strike me as being the right type of man, and I should strongly recommend that the Bill be left as it is, because both of the Chambers of Commerce will then be free to select, if they so desire, any men of the qualifications put down in the amendment, but I think it would be better to leave them free to select the best man for the position that they can find in Calcutta. The Board must be constituted in Calcutta. Possibly the number of men complying with the qualifications laid down in the amendment might be very limited, whereas it might be quite possible for the Chambers to get a really good man of a slightly different qualification to complete the Board, and I think it would be a mistake to tie them down by the amendment. I therefore oppose the amendment.

Mr. Jamnadas M. Mehta : Sir, there are two points worth noticing in connection with the constitution of the Board. There is unfortunately as much diversity of opinion on the constitution of the Board or, rather the manner in which it is constituted as there is unanimity about the necessity of the Board. Ninety-nine per cent. of the witnesses want a Board but hardly any one is agreed as to what should be the constitu-

[Mr. Jamnadas M. Mehta.]

tion of it. This is the condition of things with regard to the proposed Grading Board. We find references in the Press to this Grading Board which are not very flattering or complimentary. One critic in the *Capital* of the 20th August calls this Grading Board a Coal Degrading Board. And there are many criticisms which are certainly not of a very flattering character. The two main objections are, firstly, that the members of the Board are people who are not experts or experienced in the matter of appraising the nature of the coal. It is said that there is not a single member on the suggested Board who has the slightest experience of burning coal or what happens when you put a piece of coal into a furnace. There is not a single member of the Board, says the critic in the *Capital* of the 20th August, who knows what happens when you put a piece of coal into the fire. And yet these people will have the right and the opportunity to determine the nature of coal. The further criticism is, Sir, that the Board consists of people who are interested in the trade itself and does not represent the interests of the consumers except indirectly. Well, Sir, my Honourable friend, Mr. Aney's amendment would produce, if accepted, an ideal condition of things ; particularly as the gentlemen he has mentioned are to be selected not by any outsiders but by the very Associations and bodies to whom representation has been given under the Select Committee's Report ; and then the kind of criticism which I have just read out will lose its force. I do not know whether it could be done immediately.

A thing in favour perhaps of allowing the Board to continue as the Bill proposes is that the Board does not analyse the coal. The analysis will take place in a laboratory or test office where a fully qualified expert will analyse the coal submitted for grading, mention its various ingredients, and say what kind the coal submitted for analysis is. Strictly speaking, therefore, this Board is not to grade coal or to analyse it ; but it is really to give a formal recognition to what the analysis in the laboratory gives particulars of. And in that sense, perhaps, this Board may be allowed to continue. But I do certainly agree that the Grading Board suggested by my friend, Mr. Aney, would be far better and one that will inspire greater confidence.

One further thing is that the Chief Mining Engineer to the Railway Board is a suspect. My friend Mr. Aney mentioned it, but the Honourable the Commerce Member was not disposed to agree with him. I will read only one criticism and that will give the House a sufficient idea of the fact that the Chief Mining Engineer to the Railway Board is certainly not universally trusted—not the particular individual but the office itself.

“ The Bill if passed ”—says the critic—“ will be a Grading Board managed by the Chief Mining Engineer to the Railway Board, run in his office by his staff, and as for the rest of the Board they will be ‘ puppets ’ in the hands of the Mining Engineer. The whole trade will be left dangling at the mercy of the Mining Engineer and his office staff. The results can easily be seen and what is more the certificates will be of even less value than waste paper.”

Sir, I am not here to agree with everything that the critic says. I only want to indicate and to put before the Commerce Member that the antecedents of this officer are certain to arouse certain suspicions in many

minds. And, therefore, the Chief Mining Engineer to the Railway Board should be on his guard to see that the working of this Coal Grading Board is not in any sense prejudiced by the complaints and by the mistrust to which these quotations refer. And I hope he will falsify these evil prognostications when the time comes to value the work of this Board.

The Honourable Sir Charles Innes : Sir, Mr. Chartres and Mr. Jamnadas Mehta have anticipated most of what I was going to say. But I should like to assure Mr. Aney that there was no clause in this Bill which gave the Select Committee more trouble and more thought. We examined all the suggestions that have been made and we considered the suggestions made by one or other of the members of the Select Committee, and eventually we came down in favour of retaining the clause in the Bill as it was originally drafted. We thought that on the whole that was the best course to take, and the reason why we came to that decision I think was this. In the first place, I would beg the House to observe, we do not intend this Bill to last for ever. We do not intend—certainly I can speak on behalf of the Railway Board and the Government—we have no desire that the Chief Mining Engineer to the Railway Board should perpetually run the coal grading for the Railway Board. We hope in a very short time the coal trade will take over the work itself. And if they do not show signs of doing so within a comparatively short time, we shall take steps to stir them up in the matter. That is the first point. I would beg the House to observe that this is merely a temporary measure intended to give coal grading a start ; and it was for that reason that we put the Chief Mining Engineer in charge.

Now some remarks have been made in regard to the Chief Mining Engineer to the Railway Board. I willingly recognise that these remarks were not made directly against the present occupant of the post. But I should like to assure this House that I discussed this very question with a committee of the Indian Mining Association and a committee of the Indian Mining Federation and they both unanimously and cordially agreed that Mr. Whitworth, the Chief Mining Engineer to the Railway Board, was the best and the fittest man to start this work, and they both indicated that they had the greatest trust and confidence in him. Now, the reason why we did not accept the suggestion made to us that instead of the representatives of the consumers we should have technical men, meaning engineers and so on, on the Board, was because we felt very strongly that, if we establish this Board at all, the Board must be one in which the consumers will have confidence, particularly consumers overseas and in Indian ports. Mr. Jamnadas Mehta was perfectly correct when he said that really on this Board there was not very much scope for the technical man. I agree that he would be useful, but Mr. Jamnadas Mehta was correct in saying that most of the technical work will be done in the test house at Alipore. What really will happen will be that, after the grade has been arranged—and after all that is mainly a matter of calories and the percentage of moisture and the percentage of ash—samples will be taken and these samples will be sent to the Chief Mining Engineer to the Railway Board, who will forward them to the test house, and you will get an independent analysis. The real reason of associating anybody with the Mining Engineer in this matter is to see that there is fair play.

[Sir Charles Innes.]

If the House will look at it in that way, I think they will agree with me that there is no particular reason to tie the discretion of the Bengal Chamber of Commerce and the Bengal National Chamber of Commerce in the way that Mr. Aney suggests. The only point is that there should be independent men representing the consumers on the Board who will be a guarantee of good faith and see that there is fair play. That is really the point of having consumers' representatives on the Board. I think Mr. Chartres was perfectly right in saying that it will be a mistake to tie the discretion of these two Chambers in any way. They are the two principal Chambers of Commerce in Calcutta. One is the principal British Chamber of Commerce and the other is the principal Indian Chamber of Commerce, and I think the House may rest assured that they will exercise their discretion in the wisest possible way. In view of what I have said I hope that Mr. Aney will withdraw his amendment.

Mr. M. S. Aney : Sir, in view of the explanation I have received I beg leave of the House to withdraw the amendment that stands in my name.

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

Clauses 3, 4, 5, 6 and 7 were added to the Bill.

Clause 8 was added to the Bill.

Clauses 9, 10, 11 and 12 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Charles Innes : Sir, I move that the Bill be passed.

I should like to express my gratitude to the House for the rapidity with which they have passed what I think is a very important measure; a measure which I hope will do a great deal of good to the Indian coal trade.

The motion was adopted.

THE CARRIAGE OF GOODS BY SEA BILL.

The Honourable Sir Charles Innes : Sir I beg to move :

“ That the Bill to amend the law with respect to the carriage of goods by sea, as reported by the Joint Committee, be taken into consideration.”

Sir, here again, I do not think that I need say very much about this Bill. After a long Joint Committee we have made only one change in the Bill and that is in clause 5. I should just like to give a brief explanation of this clause 5. Article VI of the Articles appended to the Bill makes a bill of lading compulsory except in respect of deck cargo which is not “ goods ” as defined in the Rules and of all shipments where the character or condition of the goods to be carried or the circumstances, terms and conditions under which the carriage is to be performed justify a special agreement. The Home Government exempted their coasting trade from their Bill, and our original idea was to follow suit in India. But having circulated our Bill, we discovered that the circumstances of the

coasting trade in India were entirely different from the circumstances of the coasting trade at home. The coasting trade at home consists of very short journeys from port to port and ordinarily bills of lading are not used at all, and the coasting trade people at home, when the Bill first came on, objected that if these rules were applied to the coasting trade, they would be compelled to issue bills of lading. That is why they were exempted from these rules. In India, the circumstances are entirely different. The voyages are very much longer and we have ascertained that bills of lading are universally in use. When we circulated the Bill a great many of the Chambers of Commerce, the Bombay millowners and others said that there was no necessity to exempt the coasting trade from Article VI, and that there was no reason why shippers in India in the coasting trade should be deprived of the benefit of these rules. Consequently, we discussed the matter in Joint Committee and we amended the Bill as it appears now. We have exempted only sailing ships sailing from India for foreign ports or sailing from India for Indian ports. We have done that mainly to safeguard the position of owners of Arab dhows and so on which go to the Gulf ports and to Aden and other similar places. We also propose to exempt from the rules one journey between India and Ceylon, Ceylon being really a part of India. I think that is the only explanation that I need give of clause 5.

I should just like to refer to what Sir Purshotamdas Thakurdas has said in his minute appended to the Joint Committee's report. Sir Purshotamdas Thakurdas has pointed out that Article VI may be difficult to work. I quite agree. I think there is no doubt that the same is true of many of these rules. After all almost every line of them represents a compromise, and they may be difficult in operation. But I should like to draw the attention of the House to the fact that when the corresponding Bill was brought up in the House of Lords at home, it was subjected to very severe criticism by one of the greatest experts in the world on shipping law, Lord Justice Scrutton. Honourable Members may have heard of Scrutton on Charter-Parties. As a result of those criticisms the Bill, including the rules, was referred to a very strong committee of the House of Lords under the presidency of the late Lord Sterndale. He was also a very great authority. That Select Committee, after making one or two minor changes, finally recommended that the Bill should be passed at home and that these Hague rules should be given statutory force. I should also like to draw the attention of the House to the fact that these rules have been almost unanimously accepted by the commercial community in India, in England and in other countries, not only by shippers, but also by underwriters and by bankers, and that the International Conference of Shippers, when they considered the rules, recorded a mild protest. They said that they would prefer to have freedom of contract, but at the same time they recorded a resolution that in view of the almost unanimous opinion of underwriters, bankers and shippers in favour of the rules, they thought that the rules should be accepted. I hope that my Honourable friend opposite will realise that though I do not deny that there may be difficulties on many points in actual use, yet the balance of advantage on the whole is in accepting the rules. The International Society on Maritime Law strongly recommended that these rules should be accepted by all countries and should be given statutory force. I hope that India will co-operate in this great matter of getting these rules standardized all the world over. Sir, I move the motion.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, in view of what has fallen from the Honourable Commerce Member, need I point out that my minute is not a minute of dissent as printed wrongly ? It is meant to be a supplementary minute to the Select Committee's Report. If I had been able to be present at the meeting of the Select Committee right up to the end I would have suggested that that part of the minute at any rate, containing the quotation from the opinion of the learned Judge might have been embodied in the Select Committee's report ; but I had to leave the meeting earlier and hence the separate minute.

I wish the Commerce Member had referred to one point which I have mentioned in my minute that the International Conference where these rules were settled did not have any representation from India. I do not wish in the slightest degree to raise that question in connection with the acceptance by this House of these rules which are, I understand, the result of close deliberation extending over a period of more than ten years ; but I do hope that the Government of India in future will not ask us to accept anything that may be decided upon at International Conferences where India is not adequately represented, and that it will take care to see that India is duly represented at such conferences. I hope that this will be the last time that any measure will be put before us from the Government Benches with this plea for it meeting with the approval of this House that all other countries have accepted it. The conditions in India are different and I put in this minute more with a view to drawing the attention of Government to the fact that a mere dictum that other countries had adopted certain rules would not in future prevail in this House. With these observations I desire to support the Bill before the House.

The Honourable Sir Charles Innes : Sir, I should like to explain that I do not think the Government of India were ever asked to send representatives to the International Conferences of Maritime Law ; but there is one body at home which has devoted a good deal of attention to this subject. I refer to the Imperial Shipping Committee. On that Committee there was a very distinguished representative from India, Sir William Meyer, the High Commissioner for India, so that to that extent India was represented in some of the discussions which preceded this Bill. I should just like to say one word also about conditions being different in India. I would like to read an extract from a speech made at the International Conference of Shippers in November 1921 :

“ They would agree that if a code were to be of any value it must be because it facilitates commerce as a whole.

All overseas commerce was carried on on credit and in procuring that credit the bill of lading played an important part. As shipowners it was to their interest to maintain the credit of bills of lading and they had to realise that not only in commerce but also in finance they had become in themselves a commodity apart from the cargoes they represented. Commerce, finance and underwriting were international and there were obvious advantages to be gained not only by the traders but also by the shipowners in making the bills of lading understood in those international markets.”

I think that the Honourable Member will agree that in this matter conditions do not differ in India.

Mr. President : The question is :

“ That the Bill to amend the law with respect to the carriage of goods by sea, as reported by the Joint Committee, be taken into consideration.”

The motion was adopted.

Clauses 2, 3, 4, 5, 6 and 7 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Charles Innes : Sir, I move that the Bill be passed.

The motion was adopted.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, with your permission I would like to make a change in the order of business. There are two motions in my name, one in that of Mr. Tonkinson and one in the name of the Honourable Sir Basil Blackett. I should like those in the names of my Honourable friends to take precedence over my own.

Mr. President : Am I to understand that we are not going to dispose of all the Bills on this paper to-night ?

The Honourable Sir Alexander Muddiman : No, Sir.

THE PROVIDENT FUNDS (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move that the Bill to amend the Provident Funds Act, 1925, be taken into consideration.

In the Statement of Objects and Reasons three grounds are given for making the small verbal changes in the Act which became law a few days ago, which are proposed to be made by this Bill. I believe each of these grounds for amendment are grounds which are accepted by this House, and accordingly I think it unnecessary for me to say anything more. I move.

Mr. President : The question is :

“ That the Bill to amend the Provident Funds 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.

Mr. H. Tonkinson : Sir, I move that the Bill be passed.

The motion was adopted.

THE OPIUM (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move that the Bill further to amend the Opium Act, 1857, be taken into consideration.

I really have nothing to add to what is printed in the Statement of Objects and Reasons. The object of this Bill is to bring directly under the control of the Central Government, to which it properly appertains, the administration of the Opium Department. That Department is at present administered through the agency of the Local Government. The sole effect of the Bill is to transfer to the Government of India powers at

[Sir Basil Blackett.]

present exercised by Local Governments. I believe that it will be generally recognised that it is desirable that this transfer should take place and I confine myself to moving the motion.

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Schedule was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Basil Blackett : Sir, I move that the Bill be passed.

The motion was adopted.

Mr. President : I think we had better finish the other Bills ; one is for reference to Select Committee and the other is for circulation. Let us try our hand at the first.

THE LEGISLATIVE BODIES CORRUPT PRACTICES BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I am much obliged to you for letting me try my hand. I move that the Bill to provide for the punishment of corrupt practices by or relating to members of legislative bodies constituted under the Government of India Act be taken into consideration.

I should like to say at once that there is a motion on the paper for reference to Select Committee, and I am quite prepared to accept that motion. I have considered the Bill in the light of certain criticisms that have been brought to my notice, and I think it is a Bill that should go to Select Committee. I desire, if possible, to get the endorsement of the House to the principle of the Bill, and I do not think I shall have any difficulty in doing that. I should think there is no Member of the House who would object to that and I am glad to notice that Members from several parts of the House have put down motions for reference to Select Committee. I may also say it will not be possible for the Select Committee to sit during the current Session, therefore there will be ample time to consider the provisions of the Bill. If the House takes this view I do not think I need detain it longer.

Mr. R. K. Shanmukham Chetty : May I ask the Home Member whether he will circulate the Bill before putting it before the Select Committee ?

The Honourable Sir Alexander Muddiman : I should like to get the endorsement of the House to the principle of the Bill to-day, but I will promise to circulate it executively thereafter.

Mr. R. K. Shanmukham Chetty : Will the Honourable Member circulate it and place the opinions before the Select Committee ?

Dr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : Sir, I have to point out certain things in this Bill which might be considered under the present circumstances as being viewed with suspicion. I mean especially to draw the attention of the House to a certain circumstance, when a candidate is being financed by certain electoral bodies

or associations. Possibly this Bill regards these cases as cases of gratification and bribe. I think it is legitimate on the part of certain electorates, or electoral bodies to put up their own candidates and even finance them during the continuance of their membership. Possibly these cases are included under the term gratification. I do not know how it would be interpreted in the Bill, but I submit it is a point worth examination by the Select Committee or the framers of the Bill.

The Honourable Sir Alexander Muddiman : Perhaps I might be allowed to say at once that that is one of the reasons why I think it is desirable the Bill should go to Select Committee.

Mr. C. B. Chartres (Associated Chambers of Commerce : Nominated Non-Official) : Sir, I beg to move the amendment standing in my name ; that the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. L. Graham, Sir Purshotamdas Thakurdas, Diwan Bahadur Ramachandra Rao, Mr. R. K. Shanmukham Chetty, Mr. N. M. Joshi, and if I may, Sir, I should like to add the name of Mr. Tonkinson, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

In moving this amendment, Sir, I should like to explain that I do it, not with the intention of changing the objects of the Bill, but with the view of modifying the wording so as to make it quite clear that clause 2 would not apply to a Member who comes to this House as a paid representative of, say, a Chamber, or one trade union or a group of trades unions, to represent their interests in this House. As the Bill is now worded, the word "gratification" I think might be construed to apply to a salary paid to such a Member, and my desire in moving this amendment is that the Select Committee should so alter the wording as to make it quite clear that the Bill would not apply to a Member of that class. Sir, I move my amendment.

Mr. Harchandrai Vishindas : I suggest that the name of Pandit Motilal Nehru be added to the Select Committee.

Mr. President : The question is :

"That the name of Pandit Motilal Nehru be added to the Select Committee."

The motion was adopted.

Mr. D. V. Belvi : I suggest that the name of Sardar V. N. Mutalik be added to the Committee.

Mr. President : The question is :

"That the name of Sardar V. N. Mutalik be added to the Select Committee."

The motion was adopted.

Mr. C. Duraiswami Aiyangar : I suggest that the name of Kumar Ganganand Sinha be added to the Select Committee.

Mr. President : The question is :

"That the name of Kumar Ganganand Sinha be added to the Select Committee."

The motion was adopted.

Mr. R. K. Shanmukham Chetty : I propose the addition of the name of Mr. Rangaswami Iyengar.

Mr. President : The question is :

“ That the name of Mr. A. Rangaswami Iyengar be added to the Select Committee.”

The motion was adopted.

Mr. President : The original question was :

“ That the Bill to provide for the punishment of corrupt practices by or relating to members of legislative bodies constituted under the Government of India Act, be taken into consideration.”

Since which an amendment has been moved :

“ That the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. L. Graham, Sir Purshotamdas Thakurdas, Diwan Bahadur Ramachandra Rao, Mr. R. K. Shanmukhan Chetty, Mr. N. M. Joshi, Mr. H. Tonkinson, Pandit Motilal Nehru, Sardar V. N. Mutalik, Kumar Ganganand Sinha, Mr. A. Rangaswami Iyengar, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

***Diwan Bahadur M. Ramachandra Rao :** (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I have another motion, that the Bill be circulated.

Mr. President : The Honourable Member will move his amendment after the amendment now in hand has been disposed of and rejected by the House. I am not disposed to allow him to move his amendment at this stage.

Diwan Bahadur M. Ramachandra Rao : Then I oppose this motion. The reason I oppose this motion for reference to a Select Committee is this. This Bill deals with the question of corruption in legislative bodies, in the Central Legislature consisting of two Houses, and I think also in the Provincial Legislatures. We do not know at present anything as regards the opinions held either by Provincial Governments or Provincial Legislatures, and in consideration of the recommendations made by the Muddiman Committee, in consequence of which this Bill has come before this House, I ask the Honourable Member in charge of this Bill whether he will place before us the opinions of Local Governments in regard to the various recommendations made by the Muddiman Committee. My Honourable friend, I believe it was yesterday, said that he would not take that course, and the present position therefore is that we do not know anything in regard to the opinions of the Provincial Legislatures in regard to the principle of this Bill. It seems to me, Sir, before my Honourable friend asks us to commit ourselves to the principle of this Bill, we should be in a position to know the views both of the Provincial Governments and the Provincial Legislatures. That is the simple ground on which I am putting forward this motion, namely, that the Bill should be circulated for opinion, and then we shall be in a position to commit ourselves to the principle of this Bill in view of those opinions. It seems to me altogether unfair to the Provincial Legislatures to commit ourselves to the principle of this Bill before we know what they feel about it. I do not say corruption should be tolerated in the Provincial Legislatures or in the Central Legislature, but the question is one of ways and methods, and it seems to me, Sir, that before my Honourable friend asks us to commit ourselves to the exact method which he has adopted in this Bill, we should certainly have the information of others who are equally concerned in this matter. For this reason I oppose the motion for reference to a Select Committee.

* Speech not corrected by the Honourable Member.

The Honourable Sir Alexander Muddiman : Sir, I only wish to say one word in reply to the Honourable Member who has just sat down. I told him when I made my first remarks that I was quite prepared to obtain the opinions of Local Governments before the Select Committee met. That practically meets his point. As regards his complaint that I have not given him the opinions of Local Governments, Local Governments have not been consulted on this ; there is no reason why they should be consulted before at any rate we accept the motion for a Select Committee. As to the principle of the Bill, I do not understand the opposition and I really am surprised that my Honourable friend Diwan Bahadur Ramachandra Rao should object to a Bill which has apparently not been objected to in any other part of the House. I therefore ask that the motion for reference to Select Committee be passed by the House.

***Maulvi Abul Kasem (Bengal Nominated Non-Official) :** Sir, I did not want to take part in this debate but for the speech made by my friend Diwan Bahadur Ramachandra Rao. I think that the Government have acted wisely in bringing forward this Bill for the sake of the good name of Members of the Legislatures in this country. Purity of public life is essential for the advancement of any nation and specially a nation striving for responsible government. There is no denying the truth that corruption does exist in legislative bodies (*Mr. Shanmukham Chetty :* " Who practises it ? " *Another Honourable Member :* " Among nominated Members ! "). Nominated or elected it does not matter.

Mr. President : Order, order !

Maulvi Abul Kasem : If you want I am prepared to give definite and specific instances but I think it is neither desirable nor wise to do so. (*Mr. Amar Nath Dutt :* " Is it from your own experience of your own community ! "). I protest against the language used by my Honourable friend from Burdwan. If communities are going to be attacked I know how to reply and I can say that members of his community have been forced to vote for one side or the other by bribery and by threats of exposure. (*Mr. Amar Nath Dutt :* " Who purchased the six votes ? "). Now, Sir, I do not understand why there should be any delay in passing this measure. The sooner it is passed the better. I agree to the proposal for a reference to Select Committee, but I respectfully submit for the consideration of the Select Committee that in addition to bribery, intimidation and threats should also be prevented by the provisions of the Bill when it comes into operation. (*Pandit Shamlal Nehru :* " Why not send it in as an amendment ? "). Sir, I hope the House will rise to the occasion and carry this motion and give its wholehearted support to any measure that is intended to do away with corruption. I know that like the Bill which we have passed about the age of consent, this will be also a dead letter because it is very difficult to prove corruption either against a Government official or a Member of the Legislature ; but it will at any rate be a deterrent and will reduce corruption which has gone on to a very large and extensive extent.

An Honourable Member : I move that the question be now put.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhamadan Urban) : Sir, as I have been proposed as a member of the Select

* Speech not corrected by the Honourable Member.

[Pandit Motilal Nehru.]

Committee on this Bill I should like to make my position clear. As I understand it, the principle of the Bill is simply this, that corruption in a Member of the Legislature should be made an offence and punishable. That alone I consider to be the principle and no more ; and I take it that it will be open to the Select Committee to say that instead of this Bill it is quite enough to add a section to the Penal Code to secure the desired result. The present difficulty appears to be that a Member of the Legislature is not a public servant. If he were a public servant there would be no difficulty at all. There is absolutely no doubt in anybody's mind that a Member of the Legislature performs most responsible duties, equally responsible, if not more responsible, duties than any public servant does, and it is in the fitness of things that if there is any corruption in Members of the Legislature that should be severely visited by the law. But at the same time I do not pledge myself either to the procedure or to the definitions given in this Bill. All that I consider to be the principle, as I have already said, is that corruption in a member be declared an offence which at present I think it is not because we are not supposed to be public servants. If that is the position, I have no objection to serving on the Select Committee ; but if that is not the position then I join my Honourable friend Diwan Bahadur Ramachandra Rao in opposing the motion.

The Honourable Sir Alexander Muddiman : Sir, as I understand it, the position stated by the Honourable Pandit is the position, that is to say, I am asking him to affirm the principle that bribery of a member of a legislative body should be made punishable. That is all I ask.

Mr. President : The original question was :

“ That the Bill to provide for the punishment of corrupt practices by or relating to members of legislative bodies constituted under the Government of India Act, be taken into consideration.”

Since which an amendment has been moved :

“ That the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. L. Graham, Sir Purshotandas Thakurdas, Diwan Bahadur Ramachandra Rao, Mr. Shanmukham Chetty, Mr. N. M. Joshi, Mr. H. Tonkinson, Pandit Motilal Nehru, Sardar V. N. Mutalik, Kumar Ganganand Sinha, Mr. A. Rangaswami Iyengar, and the Mover ; and that the number of members necessary to constitute a meeting of the Committee shall be four.”

The question I have to put is that that amendment be made.

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I have tried my hand, I think, sufficiently this evening and that hand is now tired. I do not move the other motions standing in my name.

The Assembly then adjourned till Eleven of the Clock on Monday, the 7th September, 1925.

Copies of the Debates of the Legislative Assembly and of the Council of State are obtainable on sale from the Manager, Central Publication Branch, 8, Hastings Street, Calcutta.
