

5th September 1929

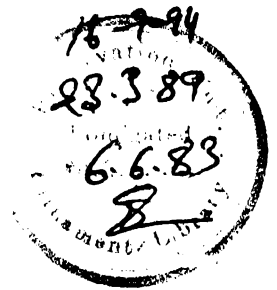
THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV

(2nd September to 17th September, 1929)

FIFTH SESSION
OF THE
THIRD LEGISLATIVE ASSEMBLY
1929



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1930

Legislative Assembly.

President :

THE HONOURABLE MR. V. J. PATEL.

Deputy President :

MAULVI MUHAMMAD YAKUB, M.L.A.

Panel of Chairmen :

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SIR PURSHOTAMDAS THAKURDAS, KT., C.I.E., M.B.E., M.L.A.

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MR. S. C. GUPTA, BAR.-AT-LAW.

Assistant of the Secretary :

RAI SAHIB D. DUTT.

Marshal :

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

Committee on Public Petitions :

MAULVI MUHAMMAD YAKUB, M.L.A., *Chairman.*

MR. DWARKA PRASAD MISRA, M.L.A.

SIR PURSHOTAMDAS THAKURDAS, KT., C.I.E., M.B.E., M.L.A.

MR. DHIRENDRA KANTA LAHIRI CHAUDHURY, M.L.A.

NAWAB SIR SAHIBZADA ABDUL QAIYUM, K.C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Thursday, 5th September, 1929.

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

QUESTIONS AND ANSWERS.

TRANSFER OF THE ADMINISTRATION OF ADEN TO THE COLONIAL OFFICE.

149. ***Mr. Gaya Prasad Singh** : (a) Will Government please state if they sent any suggestion to His Majesty's Government regarding the meaning of "Aden", when the Government of India (Aden) Bill was pending in Parliament? If so, why did this elucidation become necessary now?

(b) Was the Government of Bombay consulted with regard to this transaction? If not, why not?

Sir Denys Bray : (a) While the Bill was before Parliament, the question arose whether the expression "Aden" covered its dependencies like Perim, or whether a specific reference to them was desirable. The Government of India, on being consulted, advised the latter.

(b) There was no necessity to consult the Government of Bombay since the point was one not of substance but of drafting.

Mr. Gaya Prasad Singh : Is it not a fact that, in the Bill as originally introduced, there was no specific mention of the hinterland of Aden being included in the term Aden?

Sir Denys Bray : I think my Honourable friend is under some slight misapprehension. What he says is perfectly true; but the point actually before Parliament was not that, but this : Aden, for the purposes of the Government of India Act, include Aden settlement and also certain dependencies, like Perim and the famous Kuria Muria islands, the inhabitants of which comprise one patriarchal family, and an unstated number of noxious insects. (Laughter.) The only point in Parliament was whether the term Aden automatically included Kuria Muria and so forth, or whether those dependencies should specially be referred to in the Bill.

Mr. Gaya Prasad Singh : Is it a fact that the Government of India made a suggestion to His Majesty's Government defining the expression Aden, after the introduction of the original Bill in Parliament?

Sir Denys Bray : That is so, Sir.

ASSISTANCE GRANTED BY GOVERNMENT TO LIGHT AERO CLUBS AND NUMBER OF INDIANS TRAINED IN THEM.

150. ***Mr. Gaya Prasad Singh** : Will Government be pleased to state what assistance, if any, has been given by Government to the light aero

clubs now in existence in India, and how many Indians have completed their training, or are now under training in each of them ?

The Honourable Sir Bhupendra Nath Mitra : The attention of the Honourable Member is invited to part (b) of the reply given in the Legislative Assembly on the 29th January, 1929, to his starred question No. 203.

The number of Indians who had completed their flying training for private pilots licenses at the Clubs up to 26th August was 15. The number now under training is 46. The figures by clubs are as follows :

Bombay Flying Club—7 have completed training and 9 are under training.

Bengal Flying Club—1 has completed training and 5 are under training.

Delhi Flying Club—1 has completed training and 13 are under training.

Karachi Aero Club—6 have completed training and 19 are under training.

EFFECT ON THE MEERUT TRIAL OF THE RESUMPTION OF DIPLOMATIC RELATIONS WITH SOVIET RUSSIA.

151. ***Mr. Gaya Prasad Singh :** Is it a fact that the Government of India have addressed a communication to the British Government to the effect that the Government of India would feel considerably embarrassed in the conduct of the Meerut prosecutions if diplomatic relations are resumed with Soviet Russia while the Meerut prosecution is pending ? If so, what reply has been received ?

Sir Denys Bray : No, Sir.

CORRESPONDENCE BETWEEN ENGLAND AND RUSSIA ON THE QUESTION OF THE RESUMPTION OF DIPLOMATIC RELATIONS.

152. ***Mr. Gaya Prasad Singh :** Will Government please state if they have received any communication from His Majesty's Government regarding the resumption of diplomatic relations with the Government of the Union of Soviet Socialist Russia ? If so, do Government propose to place the correspondence before this House ?

Sir Denys Bray : The answer to the first question is in the affirmative ; to the second in the negative.

NAVAL DISARMAMENT.

153. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state if they have received any communication from His Majesty's Government in regard to the subject of naval disarmament ? If so, what do Government propose to do ?

Mr. G. E. F. Tottenham : His Majesty's Government have kept the Government of India informed of the discussions on the subject of naval disarmament. In view of the size of the Royal Indian Marine in comparison with the naval forces of other countries, the Government of India do

not anticipate any necessity to do more than watch the progress of the discussions.

SETTLEMENT OF INTERNATIONAL DISPUTES.

154. *Mr. Gaya Prasad Singh : Will Government please state if there has been any correspondence with His Majesty's Government regarding settlement of international disputes, and the signing of an optional clause decided in the Statute of the Permanent Court of International Justice ? If so, do Government propose to place the matter before the Central Legislature before final decision is taken thereon ?

Sir Denys Bray : The answer to the first part of the question is in the affirmative ; to the second in the negative.

Diwan Chaman Lall : May I ask why Government are not prepared to place the correspondence on the table of the House ?

Sir Denys Bray : Because they do not think it would, at the present juncture, be in the public interests to do so.

Diwan Chaman Lall : Have the Government any intention of asking the opinion of this House before coming to a final decision in this matter ?

Sir Denys Bray : The final decision is at present being discussed in Geneva.

Diwan Chaman Lall : Do not Government find it therefore necessary to consult the opinion of this House in regard to the matters now pending at Geneva ?

Sir Denys Bray : I would point out to my Honourable friend quite seriously that this matter of the optional clause has been before the world and the House for the last seven or eight years. Until this moment, I do not remember any interest displayed by the Honourable Member in the subject ; but without being in any way indiscreet, I can tell him that our attitude on the subject is in favour of adherence, and the form of adherence is now under discussion.

Diwan Chaman Lall : May I ask the Honourable Member whether, in view of the fact that the Government of India are in favour of ratification, that will affect the size of the standing army in India in case the optional clause is ratified at Geneva ?

Sir Denys Bray : I would hardly like to venture on an answer to so momentous a question over a supplementary question, but naturally the whole creation of a body of new international ideas universally operative must eventually have their effect upon the standing forces of every nation in the world.

INTRODUCTION OF A NEW RAILWAYS ACT.

155. *Mr. Gaya Prasad Singh : Is it in contemplation to draft a new Railways Act in the light of modern requirements, as suggested by the Aeworth Committee in 1921, and admitted by the Government in reply to starred question No. 275 of the 7th February, 1927 ? If so, when is the draft likely to be ready for introduction ?

Mr. P. B. Rau : The question of the revision of the Indian Railways Act, IX of 1890, has recently been referred to the President of the Railway Rates Advisory Committee for his recommendations. I regret that it is not possible at present to say when the draft is likely to be ready.

Mr. Gaya Prasad Singh : When was it referred to the Rates Committee ?

Mr. P. B. Rau : I believe in May last.

ARRANGEMENTS MADE BY GOVERNMENT FOR REPORTING THE MEERUT TRIAL.

156. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Director of Public Information visited Meerut in June, in connection with the reporting work of the Meerut trial ? If so, what were the arrangements settled on that occasion ?

(b) Have Government their own official reporters, or is an arrangement entered into with any particular news agency ? If so, which ; and on what terms, if any ?

The Honourable Sir James Crerar : (a) The Director, Public Information, was present at Meerut during the opening stage of the Magistrate's inquiry. The objects of his visit were to see that satisfactory arrangements were made : firstly, for the convenience of Press agencies and newspaper representatives ; and secondly, for three Government reporters, who had been sent to Meerut, to obtain for Government a verbatim report of the opening address of Mr. Langford James.

(b) As stated above, Government sent their own reporters for the purpose of obtaining a verbatim report. The Press agencies do not undertake the verbatim report of proceedings of this character and length, since their clients require only a summary or abstracts.

Mr. Gaya Prasad Singh : Do I understand the Honourable Member to say that they have got an official Press reporter there ?

The Honourable Sir James Crerar : On that occasion they did.

Mr. Gaya Prasad Singh : Not now ?

The Honourable Sir James Crerar : Not now, so far as I am aware.

ESTIMATED COST TO GOVERNMENT OF THE MEERUT TRIAL.

157. ***Mr. Gaya Prasad Singh :** Will Government please state what is the estimated expenditure sanctioned by Government towards the cost of the Meerut conspiracy trial, and the amount of money paid up-to-date to the different prosecuting Counsels ?

The Honourable Sir James Crerar : It is not possible to make an estimate of the cost of the Meerut trial as this will depend on various factors which cannot yet be accurately forecasted. The expenditure on the trial is being met so far from the normal budget of the Director of the Intelligence Bureau.

I have no information of the actual amount paid to the prosecuting counsel up-to-date. There are two counsel, one of whom is paid a fee of Rs. 1,020 per diem and the other Rs. 85 per diem.

REASONS FOR THE PROHIBITION OF THE BOOK "SHIVA, OR THE FUTURE OF INDIA".

158. ***Mr. Gaya Prasad Singh** : (a) Is it a fact that the book called "Shiva or The Future of India", by one Mr. R. J. Minney, has been prevented entry into India, on the ground that it deals with certain subjects in a way which would give offence to Indian opinion ?

(b) Is it a fact that the book also denounces some aspects of the Government and foreign exploiters in India ?

(c) Are Government aware that the following are some of the passages in that book :

(i) "There is no gainsaying the fact that, so far as the commercial community is concerned, the attitude of the Whites to the Blacks is one of complete contempt";

(ii) "During the past seventy years, Britain has reformed herself in India, rather than the vast mass of native humanity" ?

(d) Is it not suggested in that book that the white population should identify itself more whole-heartedly with the interests of the country; that money earned in India should be spent in India, and not brought to England by the white exiles, and that then India would be the greatest and most prosperous country in the world instead of as at present one of the poorest ?

(e) Is it a fact that the book has been banned more for its denouncing the Government than for any other reason ?

The Honourable Sir James Crerar : (a) to (d). Yes.

(e) No. The importation of the book to India was prohibited because it deals in an offensive manner with sex matters and social evils, which it was felt would give justifiable offence to Indians in general and Hindus in particular.

Mr. Gaya Prasad Singh : Are Government aware that Miss Mayo's book dealt with sex matters also ? Why was it not prohibited ?

The Honourable Sir James Crerar : We were not aware of the contents of Miss Mayo's book before it was imported ; whether or not it would have been desirable to prohibit it is a matter which has already been dealt with in this House, and I have nothing to add to the replies I then gave.

Diwan Chaman Lall : May I ask the Honourable Member whether Government are prepared to review their policy of banning books merely on the authority of some official or other ?

The Honourable Sir James Crerar : I see no reason for reviewing the policy which is at present pursued.

Diwan Chaman Lall : Is the Government aware that the policy is a very discriminating policy, in view of the fact that Mr. Minney's book casts aspersions upon the conduct of the Government of India and the conduct of Great Britain in India, whereas Miss Mayo's book does not ?

The Honourable Sir James Crerar : I have already replied on the subject of Mr. Minney's book ; I have not been able to obtain a copy of it

and I am therefore not in a position to agree or disagree with the Honourable Member.

Diwan Chaman Lall : Will the Honourable Member accept a copy from me ?

The Honourable Sir James Crerar : I shall be delighted.

NON-PROHIBITION OF THE BOOK, "THE LAST HOME OF MYSTERY".

159. ***Mr. Gaya Prasad Singh :** Are Government aware that a book, called "The Last Home of Mystery" by one Captain R. Alexander Powell of America, contains attacks on some of the religious beliefs and customs of India ? Why has this book not been refused entry into India ?

The Honourable Sir James Crerar : I would refer the Honourable Member to the answer given by me on the 2nd to his question No. 6.

Mr. Gaya Prasad Singh : Are Government prepared to ban the entry of this book into India now ?

The Honourable Sir James Crerar : I think, if the Honourable Member will refer to my reply on the 2nd September, he will find an answer to that question.

REPRESENTATIONS TO BAN THE BOOK, "LIFE AND EXPLOITS OF GENERAL DYER".

160. ***Mr. Gaya Prasad Singh :** Is it a fact that some representations were received by the India Office from this country, urging the desirability of banning from India the recently published "Life and Exploits of General Dyer" ? If so, who made those representations and, with what result ?

The Honourable Sir James Crerar : The Government of India have no information beyond what was stated in the House of Commons by Lord Winterton in reply to Mr. Thurtle, *viz.*, that he had no knowledge of any such representations.

DATE OF COMPLETION OF "INDIA HOUSE" IN LONDON.

161. ***Mr. Gaya Prasad Singh :** Will Government please state when the building of the new India House, London, is likely to be completed ?

The Honourable Sir George Rainy : The building is likely to be completed in the spring of 1930.

DISSATISFACTION OF THE CLERICAL STAFF IN GOVERNMENT DEPARTMENTS REGARDING SALARIES AND CONDITIONS OF SERVICE.

162. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that Government propose to appoint a Retrenchment Committee to explore avenues for curtailing expenditure in the various Departments of Government ? Is it the intention to bring about further reduction in the clerical staff, instead of curtailing the salaries of high-placed officials ?

(b) Are Government aware that there is considerable dissatisfaction among the Indian clerical staff in regard to their salaries, housing accommodation, and conditions of service generally ?

The Honourable Sir George Schuster : (a) I would refer the Honourable Member to my statement of 5th March, 1929, in which I suggested that the time had come for the Government to review the whole of their expenditure. In pursuance of that suggestion, detailed information is now being collected as to the growth of expenditure during the last few years, and the statistics when complete will be examined and analysed in the Finance Department in the first instance. I am afraid it is not possible for me, at this stage, to give the Honourable Member any definite statement as to what action will be taken thereafter.

(b) Government are not aware of any serious dissatisfaction among the Indian clerical staff in regard to their salaries and conditions of service generally, but they are aware that dissatisfaction exists among them in regard to housing accommodation especially as Simla ; and they propose to inquire into the matter.

**CONVERSION OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELE-
GRAPHS INTO THE TELEGRAPH BOARD.**

163. ***Maulvi Muhammad Yakub :** (a) Is it a fact that the Office of the Director General of Posts and Telegraphs is being converted into the Posts and Telegraphs Board ?

(b) Is it a fact that a despatch on the subject has been, or is being, sent to the Secretary of State ?

(c) If replies to parts (a) and (b) are in the affirmative, will Government be pleased to furnish the House with a copy of the despatch ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). The reply is in the negative.

(c) Does not arise.

**PRACTICE IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS
OF SUBMITTING ANNUAL INCREMENTS OF CLERKS FOR SANCTION.**

164. ***Maulvi Muhammad Yakub :** (a) Is it a fact that in the Office of the Director General of Posts and Telegraphs cases of annual increments of each clerk are submitted to officers for sanction every year ?

(b) Is it a fact that this practice causes delay of several months in the drawing of annual increments ?

(c) Is it a fact that this practice is not followed by any other Department of the Government of India ?

(d) Is it a fact that under the Fundamental Rules annual increments of clerks and menials should be drawn as a matter of course ?

(e) If replies to parts (a), (c) and (d) are in the affirmative, will Government be pleased to state the reasons which necessitated this peculiar procedure to be followed in the Office of the Director General of Posts and Telegraphs *only* ?

Mr. P. G. Rogers : (a) Yes, since last year. •

(b) No such case has been brought to notice.

(c) No.

(d) The Fundamental Rules merely lay down that an increment shall ordinarily be drawn as a matter of course unless it is withheld.

(e) As already stated the procedure in question is not confined to the Office of the Director General, Posts and Telegraphs. It was introduced for administrative reasons.

FEASIBILITY OF TRANSFER TO THE SECRETARIAT OF AN UNPASSED CLERK IN A SUBORDINATE OFFICE.

165. *Maulvi Muhammad Yakub : Will Government be pleased to state whether a permanent clerk, employed in an attached or subordinate Department of the Government of India, who has not passed the Staff Selection Board's or the Public Service Commission's examination, can *ordinarily* be transferred to the Secretariat proper by applying for the same ? If so, will Government be pleased to quote instances ? If not, why not ?

The Honourable Sir James Crerar : The answer to the first part of the question is in the negative. As to the last part, the standard of work required of assistants and clerks (other than routine clerks) in the Secretariat is higher than that expected in attached offices, and consequently exemption from passing the examination with a view to employment in an attached office does not entitle an assistant or clerk to employment in the Secretariat.

PROHIBITION OF WILD BOAR SHOOTING ON THE BANKS OF THE JAMNA RIVER.

166. *Sardar Kartar Singh : (a) Will Government be pleased to state if wild boar shooting is prohibited on both banks of the Jamna river in the province of Delhi ?

(b) Is it a fact that the peons of certain tent clubs prevent people from shooting wild boars on the Jamna banks ?

(c) Is it a fact that by this prevention, the number of wild boars has gone up considerably and the boars are doing great damage to the crops on and near the banks of the river Jamna ?

(d) If any parts of the Jamna bank in the Delhi Province are preserved, do Government propose to mark the boundaries of, and put sign boards in, such places ?

The Honourable Sir James Crerar : (a) No.

(b) So far as I have been able to ascertain this is not the case.

(c) The information I have received shows that the number of wild boars has decreased greatly in recent years, so that the damage to crops should be less than it was previously.

(d) There are no preserves in the Delhi Province.

APPOINTMENT OF A SIKH TO THE SUPERIOR STORES ESTABLISHMENT OF STATE RAILWAYS.

167. *Sardar Kartar Singh : (a) Is it a fact that there is no Sikh in the Superior Stores Establishment of the Indian State Railways ?

(b) Do Government propose to take a Sikh candidate this year ?

Mr. P. R. Rau : (a) Yes.

(b) It is not the intention of Government ordinarily to make further direct recruitment for the Stores Department. The majority of vacancies will be filled by transfer of officers from technical departments and a small number by promotion of qualified subordinate staff. Full particulars of the present arrangements will be found in the memorandum on the re-organisation of the superior stores establishment of State Railways, placed by Mr. Parsons before the Standing Finance Committee for Railways in July 1928. (Vide Vol. 5, No. 2, of the Standing Finance Committee's proceedings.)

APPOINTMENT OF SIKHS TO THE SUBORDINATE (TRANSPORTATION) SERVICE OF THE NORTH WESTERN RAILWAY.

168. ***Sardar Kartar Singh :** (a) Will Government please state the number of Sikhs drawing Rs. 250 and more per mensem, in the subordinate (transportation) service of the North Western Railway ?

(b) Is it a fact that no qualified Sikh has been taken in the senior subordinate (Transportation) service of the North Western Railway for the last three years ?

(c) If the answer to part (b) be in the affirmative, do Government propose to take steps to recruit qualified Sikhs or give promotion to deserving Sikhs in order to correct the inequality ?

(d) If the answer to part (b) be in the negative, will Government please state the names and designations of those Sikhs who have been recruited in the last three years ?

Mr. P. R. Rau : (a) I would refer the Honourable Member to the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

(b) No.

(c) Does not arise.

(d) Twenty-three appointments and promotions of Sikhs to posts on rates of pay from Rs. 100 to 500 were made since August 1926. Particulars of service of the employees concerned will be found in the North Western Railway Classified List.

HIGH FARES PAID BY THE MILITARY AUTHORITIES TO THE CLIVE TRANSPORT COMPANY FOR CARRYING OFFICERS AND SOLDIERS BETWEEN PATHANKOTE AND DALHOUSIE.

169. ***Lala Hans Raj :** Will Government be pleased to state :

(a) Whether it is a fact that the Military Department pay to the Clive Transport Company Rs. 19-8-0 and Rs. 13, respectively, per first and second class seat for officers and soldiers with military travelling warrants between Pathankote and Dalhousie ;

(b) Whether they are aware that the Clive and other licensed companies are charging Rs. 13 for a first class and Rs. 6-8-0

for a second class seat, and Rs. 40 for a full motor car for 4 passengers, and often accept even cheaper rates ; and

- (c) Whether it is a fact or not that when Civil and Military officers travel between Pathankote and Dalhousie without warrant, they do not as a rule travel by the Clive Transport Company, but by other transport companies' motors, paying much smaller fares ?

Mr. G. R. F. Tottenham : (a) Yes.

(b) Other Companies charge the rates quoted by the Honourable Member, but Government are informed that the charges of the Clive Transport Company are those stated in part (a).

(c) Government have no information.

HIGH FARES PAID BY THE MILITARY AUTHORITIES TO THE CLIVE TRANSPORT COMPANY FOR CARRYING OFFICERS AND SOLDIERS BETWEEN PATHANKOTE AND DALHOUSIE.

170. ***Lala Hans Raj :** Will Government be pleased to state :

- (a) Whether they are aware that no serious motor accident has ever taken place between Pathankote and Dalhousie since motor traffic began ;
- (b) Why the Military Department pay such heavy rates for officers and soldiers travelling between Pathankote and Dalhousie when equally efficient service is available at half or even less than half the rates they are paying to the Clive Transport Company ;
- (c) Whether tenders were invited before such heavy rates were fixed with the Clive Transport Company ; and
- (d) If so, why the contract was not given to the lowest tenderer ?

Mr. G. R. F. Tottenham : (a) I believe that the statement made by the Honourable Member is correct.

(b) Government understand that the rates were normal in 1925 when a five years' contract was made with the Clive Transport Company.

(c) and (d). Tenders were called for, but could not be considered because the civil authorities at that time were not prepared to allow any other company to run cars for passenger traffic on this particular road.

INVITATION OF TENDERS FOR THE CARRIAGE OF OFFICERS AND SOLDIERS BETWEEN PATHANKOTE AND DALHOUSIE.

171. ***Lala Hans Raj :** Will Government be pleased to state whether in future they intend to invite tenders rather than pay for their officers and men much higher fares than what other officers and respectable persons are paying to the other firms plying between Pathankote and Dalhousie ?

Mr. G. R. F. Tottenham : Yes. Tenders will be called for shortly. The contract with the Clive Transport Company expires on January 31st, 1930.

COST OF CARRIAGE OF MAILS BETWEEN PATHANKOTE AND DALHOUSIE.

172. ***Lala Hans Raj** : Will Government be pleased to state :

- (a) Since when the mails from Pathankote to Dalhousie and back are running only once a day ;
- (b) Whether it is a fact that before the Clive Transport Company was given the contract to carry mails, the mail service between Pathankote and Dalhousie ran twice a day ; and
- (c) How much per annum Government had to pay when the mail service ran twice a day, and how much per annum it has been paying since that service runs only once a day ?

Mr. P. G. Rogers : (a) Since the summer of 1918-19.

(b) At one time there was a service twice a day, but this had been reduced to a service only once a day before the Clive Transport Company got the contract.

(c) Prior to 1918-19, Rs. 14,496 were paid for a service twice a day. As the contractors were working at a loss the service was reduced to once a day and the subsidy raised to Rs. 24,911. The proportionate share of the subsidy now paid to the Clive Transport Company representing the amount of the Pathankote-Dalhousie line is less than this amount.

Lala Hans Raj : How does the Honourable Member know that they were running the service at a loss ?

Mr. P. G. Rogers : They said so, Sir.

COST OF CARRIAGE OF MAILS BETWEEN PATHANKOTE AND DALHOUSIE.

173. ***Lala Hans Raj** : Will Government be pleased to state :

- (a) Whether any tenders were invited on each occasion when the contract for carrying mails was given to the Clive Transport Company ;
- (b) How many times the contracts for carrying mails between Pathankote and Dalhousie were given to the Clive Transport Company, and in what years ;
- (c) What was the lowest tender on each occasion ; and
- (d) Whether Government are spending more money for an once-a-day service between Pathankote and Dalhousie than they were spending when the mail service ran twice a day ? If so, why ?

Mr. P. G. Rogers : (a) No. Only on the second occasion.

(b) Twice, in 1920 and in 1925.

(c) As already stated no tenders were called for on the first occasion. Rs. 60,000 was the lowest tender for combined services on the Pathankote-Dharmasala Cantonment, and Baijnath-Pathankote-Dalhousie lines on the second occasion.

(d) Yes, but the subsidy paid for the service twice a day proved inadequate and had to be increased as explained in my reply to part (c) of the question I have just answered.

RE-INTRODUCTION OF A TWICE-A-DAY MAIL SERVICE BETWEEN PATHANKOTE AND DALHOUSIE.

174. *Lala Hans Raj : Will Government be pleased to state :

- (a) Whether they intend to invite tenders when the current term of the Clive Transport Company expires, and whether they propose to introduce again a twice-a-day mail service between Pathankote and Dalhousie ; and
- (b) Why the retrograde step of reducing the twice-a-day mail service to an once-a-day service was taken ?

Mr. P. G. Rogers : (a) The reply to the first part of the question is in the affirmative. With reference to the second part, it will be considered, when inviting fresh tenders, whether a second despatch of mails from Dalhousie to Pathankote is practicable and justifiable.

(b) Because there was no practical advantage to be derived from the additional cost which a second service would have entailed.

GRANT TO THE CLIVE TRANSPORT COMPANY OF THE CONTRACT FOR THE CARRIAGE OF MAILS BETWEEN PATHANKOTE AND KULU.

175. *Lala Hans Raj : Will Government be pleased to state :

- (a) Whether the Clive Transport Company are carrying mails between Pathankote and Kulu ;
- (b) How much they are paid per mensem or per annum, and what are the terms of their contract ;
- (c) Whether any tenders were invited when the contract was given to them, and if not, why not ;
- (d) Whether they are aware that the Clive Transport Company have obtained from Mandi State the monopoly for carrying passengers through the State ;
- (e) Whether it is a fact that the monopoly for carrying passengers was put forward as a strong reason for obtaining the contract for carrying mails ; and
- (f) Whether they are aware that the Mandi State has given the monopoly to no firm or company for carrying goods ?

Mr. P. G. Rogers : (a) Yes. The Pathankote-Kulu line comprises three sections—Pathankote-Dharmasala Cantonment-Baijnath ; Baijnath-Guma ; and Guma-Kulu.

(b) The total subsidy for the three sections amounts to Rs. 6,066-1-0. The terms of the contract contain the usual stipulations for the carriage of mails. A copy of the standard form of contract will be supplied to the Honourable Member.

(c) The Honourable Member is referred to the answer to part (a) of his question No. 173 of to-day's date. No tenders were called for in respect of the Guma-Baijnath and Guma-Kulu sections of the line. The first named was an extension of the Pathankote-Baijnath line and it was felt that separate contracts over a single line would not give a satisfactory service. The same conditions operate in the case of the Guma-Kulu section.

(d) Yes.

(e) No. The main reason for entering into contracts was that they resulted in an appreciable saving, amounting on both extensions to approximately Rs. 9,000 per annum, and that the carriage of mails would be accelerated.

(f) On the contrary it is understood that the monopoly conferred on the Clive Transport Company covers the carriage of goods and parcels as well as passengers.

RATES PAID TO THE CLIVE TRANSPORT COMPANY FOR THE CARRIAGE OF FRUITS FROM KULU.

176. *Lala Hans Raj : Will Government be pleased to state :

- (a) whether any special rates have been fixed by Government with the Clive Transport Company for importing fruits from Kulu ; and
- (b) whether it is a fact that the Agent of the Clive Transport Company was allowed to alter his tender after the tenders of other firms were found to be lower ?

Mr. P. G. Rogers : (a) Yes, fixed rates for the carriage of fruit over the Guma-Kulu and Baijnath-Pathankote sections of the service maintained by the Company have been applied to the V. P. postal parcel traffic originating in the Kulu Valley.

(b) The answer is in the negative.

RATES FOR THE CARRIAGE OF GOODS BETWEEN PATHANKOTE AND DALHOUSIE CHARGED BY THE CLIVE TRANSPORT COMPANY AND THE NORTH WESTERN RAILWAY.

177. *Lala Hans Raj : Will Government be pleased to state :

- (a) whether it is a fact that the Clive Transport Company charge for goods at the rate of Rs. 1-6-0 per maund between Pathankote and Dalhousie when they are not employed as Agents for the North Western Railway ;
- (b) whether Government are aware that other transport companies charge less than the Clive Transport Company ; and
- (c) Whether the North Western Railway has fixed the rate at Rs. 3-4-0 per maund between Pathankote and Dalhousie ? If so, why ?

Mr. P. B. Rau : (a) and (b). Government have no information.

(c) I understand the rate is Re. 1-12-0 per maund for ordinary packages and Rs. 3 per maund for bulky packages. Such rates are usually settled by the Railway Administration after investigation of local conditions and with the approval of the Local Government.

Lala Hans Raj : Was it done in this case, Sir ?

Mr. P. B. Rau : I believe so, Sir.

EARNINGS OF THE NORTH WESTERN RAILWAY FROM GOODS CARRIED FOR THEM BY THE CLIVE TRANSPORT COMPANY.

178. ***Lala Hans Raj** : Will Government be pleased to state :

- (a) how much of the Rs. 3-4-0 per maund realised by the North Western Railway for the Dalhousie Out-Agency is received by the Railway and how much is paid to the Company ;
- (b) how much per annum has the North Western Railway earned from the Dalhousie Out-Agency since the Clive Transport Company were appointed Agents ;
- (c) whether the rate of Rs. 3-4-0 per maund was fixed after inviting tenders ;
- (d) whether Government intend to lower the rate ; and
- (e) whether new tenders are proposed to be invited ?

Mr. P. E. Rau : (a) and (b). No portion of the out-agency charge is received by the Railway.

(c) The out-agency was given to the Clive Transport Company in 1921, because the civil authorities had given them a monopoly for plying their motor cars on the Pathankote-Dalhousie Road. The rate agreed to at that time was Rs. 2-4-0 per maund for ordinary packages, and Rs. 3 for bulky packages.

In 1924, at the initiative of the Clive Transport Company, the rate of Rs. 2-4-0 was reduced to the existing one of Rs. 1-12-0.

(d) and (e). The rates for out-agencies are at present under examination by the North Western Railway.

PURCHASE BY THE CONTROLLER OF STORES, NORTH WESTERN RAILWAY, OF 40 LAKHS OF DOG-SPIKES FROM MESSRS. RICHARDSON AND CRUDDAS, BOMBAY.

179. ***Diwan Chaman Lall** : (i) Is it a fact that a purchase order (July 1928) was placed with the firm of Messrs. Richardson and Cruddas of Bombay by the Controller of Stores, North Western Railway, for the supply of 40 lakhs of dog-spikes ?

(ii) Will Government be pleased to state the name of the said Controller of Stores ?

(iii) What was the total value of this order ?

(iv) Is it a fact that the said Controller of Stores had no authority to issue a purchase-order of such an amount without the sanction of the Railway Board ?

(v) What is the maximum amount for which, under similar circumstances, the Controller of Stores has the authority to place an order without obtaining the sanction of the Railway Board ?

(vi) Is it a fact that Messrs. Richardson and Cruddas were paid 90 per cent. of the amount of the bill for 40 lakhs of dog-spikes supplied by them under this purchase order ?

(vii) Is it a fact that subsequently it was discovered that the dog-spikes supplied were defective and not according to plan and specification ?

(viii) Who was responsible for passing these at the time of original inspection ?

(ix) Is it a fact that 19.3 per cent. represents the percentage of the spikes that can be used on the line ?

(x) Is it a fact that it was suggested that payment to this firm should be stopped ?

(xi) Was this firm's name removed from the " A " class firms, entitled to get 90 per cent. payment on presentation of railway receipt ?

(xii) Was this firm's name reinstated ?

(xiii) Why was the name of this firm reinstated and by whom ?

(xiv) Is it a fact that, after all these discoveries were made, the Agent, North Western Railway, without informing the Railway Board of these discoveries, and after nearly a year had elapsed since the purchase order was given, wrote to the Railway Board for sanction for this important and valuable order ?

(xv) What is the name of the Agent of the North Western Railway ?

(xvi) What action do Government intend to take against the Controller of Stores, and the Agent, North Western Railway, and to prevent a recurrence of such incidents involving serious loss to the railways ?

Mr. P. R. Rau : (i) Yes.

(ii) Mr. Victor Bayley.

(iii) Rs. 2,85,000.

(iv) Tenders were invited in India in the expectation that an indigenous supply could be arranged, in which case the purchase would be within the Agent's powers. It was found, however, that the most suitable tender was for imported dog-spikes. As the dog-spikes were urgently required, an order was placed, and the Railway Board were subsequently asked to sanction the purchase of imported dog-spikes. This sanction was accorded in due course.

(v) In this case the Agent had no authority to sanction a purchase costing more than Rs. 10,000.

(vi) Yes, in terms of the contract entered into.

(vii) and (ix). About 40 per cent. were found to be not up to specification. The defective spikes are being reconditioned at the cost of the contractors and all will be used.

(viii) Arrangements for inspecting the dog spikes were made by the Indian Stores Department, who instructed the Consulting Engineers to the Government of India.

(x) Yes.

(xi), (xii) and (xiii). The firm named was originally removed by the Agent from the List of " A " Class Contractors. After investigation it was found that they were not to blame for the defective supply, and moreover they agreed to bear the cost of reconditioning defective spikes. The firm was consequently reinstated by the Agent.

(xiv) Sanction for the purchase was applied for in June 1929, about 11 months after the contract was entered into—it having been

overlooked in the Agent's office that this transaction required the Railway Board's sanction. The defects in the dog-spikes were discovered about the end of April 1929. After making the arrangements mentioned above with the firm to cover any loss to the Railway, the Agent brought the matter to the notice of the Railway Board in July, in order that they might take steps, in consultation with the Indian Stores Department, to prevent a recurrence of such case.

(xv) Colonel Walton.

(xvi) The question of revising the procedure is under consideration by the Railway Board, in consultation with the Indian Stores Department. Government did not consider any specific action against the North Western Railway Administration necessary, except bringing to their attention the necessity for obtaining their prior sanction to such purchases.

Diwan Chaman Lall : May I ask the Honourable Member whether he is satisfied, as he says in his statement, that the contractors were not to blame ?

Mr. P. B. Rau : From the facts reported to the Railway Board by the North Western Railway it appears that the contractors were not to blame.

Diwan Chaman Lall : May I ask the Honourable Member whether he is aware that the original order was placed for dog-spikes of British make ?

Mr. P. B. Rau : I am not aware of that.

Diwan Chaman Lall : Is the Honourable Member aware that, instead of supplying British specification dog-spikes, this particular firm, in spite of the order being for British dog-spikes, supplied half Continental and half British ?

Mr. P. B. Rau : I thought, after answering an exhaustive question containing 16 parts, I would be spared the necessity of answering any further questions.

Diwan Chaman Lall : May I tell the Honourable Member that this is a very serious matter and will he give a categorical reply to my question, whether it is not a fact that this firm actually cheated the Railway Administration by supplying them with dog-spikes, half of which were British and half Continental, although the order was entirely for British dog-spikes ?

Mr. P. B. Rau : I understand the Continental dog-spikes were quite satisfactory.

Diwan Chaman Lall : My question is—I repeat it—whether the original order was for British dog-spikes, and whether the firm is or is not to blame for having supplied half British and the other half Continental ?

Mr. P. B. Rau : I am not aware of that.

Diwan Chaman Lall : Will the Honourable Member make inquiries and give me a reply on the floor of this House ?

Mr. P. B. Rau : If I am to give a reply on the floor of this House, the Honourable Member will have to put down a question on the paper.

Diwan Chaman Lall : May I ask the Honourable Member whether he is serious in his reply that this matter of the order was overlooked in the Agent's Office ?

Mr. P. R. Rau : That is what the Agent reports to me and I must believe him.

Diwan Chaman Lall : Is the Honourable Member prepared to make an inquiry into this matter and inform the Members of this House as to whether the statements he has made are correct or are not correct ?

Mr. P. R. Rau : So far as I am aware, the statements are quite correct.

Diwan Chaman Lall : May I ask the Honourable Member whether he is prepared to accept the challenge that those statements are absolutely false ?

The Honourable Sir George Rainy : I should like to reply to this point. I should like to say that naturally any suggestion which is made by an Honourable Member will of course be inquired into by the Railway Board.

Diwan Chaman Lall : May I ask whether the Honourable Member will then inform me after making inquiries, as to whether those statements made by the Honourable Member are correct or not ?

The Honourable Sir George Rainy : Certainly.

Pandit Nilakantha Das : Will the Honourable Member inform the House ?

DEFECTIVE CONSTRUCTION OF THE KHYBER RAILWAY BY THE PRESENT CONTROLLER OF STORES, NORTH WESTERN RAILWAY.

180. ***Diwan Chaman Lall :** (a) Will Government be pleased to state whether the Controller of Stores, North Western Railway, was, previous to his present appointment, Executive Engineer and Superintendent of Works on the Khyber Railway construction ?

(b) Are Government aware that this gentleman was responsible for the proper construction of the Khyber Railway ?

(c) Are Government aware that the executive report on the accounts of railways in India for 1927-28 on page 27 states as follows :

LOSS DUE TO DEFECTIVE CONSTRUCTION.

50. North Western Railway.—The fifth revised estimate of a construction project showed that out of the total excess of Rs. 43 lakhs over the fourth revised estimate an excess of Rs. 15.71 lakhs was due to some bad work done in tunnels, which required dismantling and rebuilding at places and relaying at others and that, besides this Rs. 15.71 lakhs, a certain amount, which was not specified, was due to rebuilding a tunnel which had collapsed.

The tunnel collapsed within a few days of the opening of the line to traffic and as a result of investigations made departmentally and also by an expert imported from the Geological Survey Department, it was found that defective construction existed in almost all the tunnels.

The loss to Government from the defective construction is a serious one and the question of fixing responsibility for bad work is one for consideration. ? ?

(d) Have Government succeeded in fixing responsibility for this serious loss ?

(e) Is it a fact that the said Executive Engineer has been promoted and is getting nearly double the pay he was drawing as Executive Engineer ?

(f) Is it a fact that the title of C. B. E. was also conferred upon him ? And was this in recognition of his services on the Khyber Railway ?

(g) Is it a fact that the services of an Indian Sub-Divisional Officer were terminated in this connection or that he was reduced ?

(h) What action do Government propose to take (1) against the persons concerned, and (2) in order to prevent a recurrence of such incidents involving serious losses to the railways ?

Mr. P. R. Rau : (a) Mr. Bayley was an Executive Engineer on Khyber Railway Construction from November 1920 to March 1924 and Superintendent of Works from March 1924 to September 1925.

(b) Up to March 1924, he was responsible for the work in the section under his charge, and thereafter for all the work done throughout the line.

(c) Yes.

(d), (g) and (h). Government considered that Mr. Bayley and the Assistant Engineer employed under him and four subordinates were to blame in certain respects ; they also considered there was inadequate supervision, but in view of the great difficulties involved in the construction and his very good record, they decided that it would be enough to convey to Mr. Bayley their conclusion that he was responsible for an error of judgment in one respect, and for work of bad quality which called for criticism. At the same time they told the Agent that they did not consider that the Assistant Engineer should be employed as an engineer of gazetted rank on difficult construction or open line, although they would not be opposed to his further employment on surveys in which he was very experienced. I understand he is since being employed on light construction on a somewhat lower pay. They left the Agent to deal with the four subordinates whose work merited censure.

(e) Mr. Bayley was appointed Controller of Stores, North Western Railway, in 1927 on the sanctioned pay of the post.

(f) The answer to the first part of the question is in the affirmative. As to the second part, it is not the practice of the Government of India to notify the reasons for which these titles are conferred.

Diwan Chaman Lall : May I take it that the Indian Sub-Divisional Officer was put down on a lower pay because he was found to be blame-worthy ?

Mr. P. R. Rau : Yes.

Diwan Chaman Lall : May I take it that the same gentleman who was responsible for the previous question, namely, Mr. Bayley, was, instead of being put down on a lower pay, given a higher pay in his new appointment ?

Mr. P. R. Rau : The appointment of Mr. Bayley as Controller of Stores was due to his special qualifications in that matter.

Diwan Chaman Lall : May I take it, he was given higher pay ?

Mr. P. R. Rau : The pay of the Controller of Stores is higher than that of an Executive Engineer.

Diwan Chaman Lall : May I take it that the policy of the Railway Board is, when they find a particular officer blameworthy and guilty of having caused a loss of nearly 60 lakhs of rupees to Government, that he should be given a higher appointment carrying a higher salary ?

Mr. P. R. Rau : The policy of the Railway Board, as of all other Government Departments, is to take all matters into consideration when filling up vacancies.

An Honourable Member : Including the losses that are sustained ?

Diwan Chaman Lall : May I take it that that policy means that, when an Indian is concerned, he is to be reduced to a lower pay, and when an officer of the type of Mr. Bayley, a European, is concerned, he is to be promoted to a higher pay ?

The Honourable Sir George Rainy : No. The Honourable Member is not entitled to infer that that is the policy of the Government.

Diwan Chaman Lall : May I ask whether the facts of this case bear that out ?

The Honourable Sir George Rainy : No.

Diwan Chaman Lall : Is it a fact that Mr. Bayley has got double the pay that he was getting when he was discovered to be blameworthy of acts mentioned in my question, and is it a fact that the Indian Sub-Divisional Officer was put down on a lower pay ?

Mr. P. R. Rau : Double is an exaggeration ; it will be more correct to say 50 per cent.

Diwan Chaman Lall : Is it higher ?

Mr. P. R. Rau : It is higher.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member inform this House whether it is a fact or not that the chief reasons why there was this breakdown in the Railway was, (1), defective geological survey, and (2) the very difficult political relations with the tribesmen who insisted on being contractors and coolies in the boring of these tunnels ?

Mr. P. R. Rau : The Honourable Member is quite right.

Diwan Chaman Lall : May I ask whether it is quite right that it was owing to the difficult political situation in that part of the country that this loss was caused ? Is the Honourable Member serious in making that statement ?

Mr. P. R. Rau : The whole question was discussed before the Public Accounts Committee some time ago, and I would suggest to the Honourable Member that, if he waits till the evidence is before the House, he will get a full reply to all his questions.

Diwan Chaman Lall : Will the Honourable Member tell me whether he is serious in making that statement that the loss was caused to the Railway because of the political situation prevailing on the North West Frontier ?

Mr. P. E. Rau : I did not hear that question. May I ask the Honourable Member to repeat it ?

Diwan Chaman Lall : Colonel Gidney's suggestion was to the effect that it was due to the difficult political situation in that part of the country. Is the Honourable Member to admit that ?

Lieut.-Colonel H. A. J. Gidney : Sir, I rise to a personal explanation. I did not say that.

Diwan Chaman Lall : It is a fact that the loss was actually caused because of the incompetence of the man who was put in charge ?

Mr. P. E. Rau : No.

Diwan Chaman Lall : Why does the Honourable Member find him blameworthy then ?

Mr. P. E. Rau : Because there was defective supervision and error of judgment. The heavy expenditure on the construction was partly due to the geological nature of the country.

Diwan Chaman Lall : Was it in some part due to the incompetence of the officer in charge ?

Mr. P. E. Rau : I have already answered that in my reply to the main question.

Diwan Chaman Lall : Does the Honourable Member admit that the officer was found blameworthy because he was not competent ?

Mr. P. E. Rau : If the Honourable Member will read my reply at leisure he will find an answer to his question.

Diwan Chaman Lall : The Honourable Member does not probably know that I know much more about it than he does.

TRAINING OF INDIANS ON THE NORTH WESTERN RAILWAY FOR APPOINTMENT AS TRAFFIC INSPECTORS.

181. ***Diwan Chaman Lall :** (1) (a) Has the attention of Government been drawn to the following policy declared in 1923—*vide* "India in 1923-24" by L. F. Rushbrook Williams, page 176 :

"In the Resolution adopted in the Legislative Assembly in February, 1923, particular attention was directed to the case of Traffic Inspectors. Railway Administrations have now been called upon to make special endeavours to recruit and to train Indians with a view to their becoming qualified for advancement to these posts" ?

(b) Will Government be pleased to say whether the Traffic "Pupils" were recruited by the North Western Railway Administration in response to, and in the true sense and meaning of, the above declaration ?

(c) If so, have the North Western Railway authorities been making arrangements to appoint them as Traffic Inspectors after their final examination without delay ?

(d) Is it a fact that their training period ends in another four months and, if so, will Government please say what arrangements have been made to provide them with the jobs for which they are trained ?

(2) Will Government please say whether these "Pupils" during their course of training have passed all the prescribed examinations both in school and on the line as required by the agreement ?

(3) (a) Is it a fact that these " Pupils " possess educational qualifications equivalent to those of Indians in the Superior Traffic Service ?

(b) Is the probation period of the Traffic " Pupils " of the same duration as that of the Superior Service probationers ?

(c) Do the reports of the officers under whom they have worked show that their work has been satisfactory, and that they have shown themselves " above the average " railway servants, as required by the terms of the agreement ?

(d) Will they come under the category of subordinates drawing Rs. 250 per mensem and more ?

Mr. P. B. Rau : (1) (a). Yes.

(b) They were recruited with a view to eventual advancement to the posts of Traffic Inspector if qualified.

(c) It is not possible to say at present what particular appointments individual Traffic Pupils may eventually be offered. It is not, however, likely that any would be offered immediate appointment as a Traffic Inspector, though it is hoped that some at least of those who may be offered appointments, will eventually show their fitness for promotion as Traffic Inspectors.

(d) Government understand that the three years' period of training which these Traffic Pupils are undergoing will terminate early in January 1930. The intention is that, on the results of the examination and from the reports of the officers under whom the Pupils have worked, it will be decided whether a Pupil should be offered a permanent appointment on the railway and, if so, in what class or grade.

(2) Yes, with the exception of one Pupil who was prevented by a physical defect from attaining the standard set for telegraphy.

(3) (a) They possess similar educational qualifications.

(b) The period is the same—three years—but the Traffic Pupils are not probationers.

(c) The Agent reports that the work of these Traffic Pupils has up to date been uniformly satisfactory. Whether they have shown themselves above the average of railway servants in any particular grade is a question to which consideration will be given when the period of training is completed.

(d) I would refer the Honourable Member to the reply to parts (1) (c) and (d) of his question.

PERCENTAGE OF SIKHS IN CERTAIN DEPARTMENTS OF THE NORTH WESTERN RAILWAY.

182. *Sardar Kartar Singh : (a) What is the proportion of Sikh clerks in the North Western Railway Stores Department ?

(b) What is the total number of Permanent-way Inspectors and Permanent-way Apprentices in the Engineering Department of that Railway and how many of them are Sikhs ?

(c) If the percentage of Sikhs in both of the above Departments is small, do Government propose to issue orders to make up the loss to the Sikh community by appointing Sikhs in all future vacancies ? If not, why not ?

Mr. P. R. Rau : (a) and (b). The information in the possession of Government in regard to communal representation on the North Western Railway will be found in Appendix F to Volume I and Appendix C to Volume II of the Annual Reports by the Railway Board on Indian Railways, copies of which are in the Library.

(c) The North Western Railway Administration are aware of the policy of the Government in regard to the representation of minority communities, and Government have no reason to believe that their directions in this matter are not being complied with by the North Western Railway Administration.

APPOINTMENT OF SIKH OFFICERS TO THE INDIAN STORES DEPARTMENT.

183. ***Sardar Kartar Singh :** (a) What is the total number of Inspectors of (1) Stores, (2) Purchase and (3) Inspections, in the Indian Stores Department and how many of them are Europeans, Hindus, Muhammadans and Sikhs ?

(b) Is it a fact that there is not a single Sikh officer under this Department although the fact has many times been brought to the notice of the authorities ?

(c) Are the Home Department instructions on the recruitment of members of the minority communities followed at the time of the selection of the officers ? If so, why are Government ignoring the claims of Sikhs ?

(d) Do Government propose to take Sikhs in future vacancies to give them their full share of representation ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (a) The total number of officers of the rank of Inspector of Stores in the Indian Stores Department is 28, in addition to whom there are two probationary Inspectors. Thirteen of these are Europeans, one is an Anglo-Indian, 15 are Hindus and one is a Sikh.

There are no officers with the designation of Inspectors of Purchase and Inspectors of Inspections in the Indian Stores Department.

(b) No.

(c) and (d). The claims of Sikhs, among members of the other minority communities, to appointment to gazetted posts in the Indian Stores Department are given due consideration at the time of recruitment.

APPOINTMENT OF SIKHS AS EXAMINERS IN THE INDIAN STORES DEPARTMENT.

184. ***Sardar Kartar Singh :** (a) What is the cadre of Examiners in the Indian Stores Department and how many of them are Sikhs, Muhammadans, Hindus and Europeans ?

(b) How do Government justify the total absence of Sikhs in this line ?

(c) Do Government propose to appoint Sikhs in future vacancies ?

The Honourable Sir Bhupendra Nath Mitra : (a) The total number of Examiners in the Indian Stores Department is 31, of whom 25 are

Hindus, three Muhammadans and three members of other communities. At present there is no Sikh employed as an Examiner.

(b) Sikhs with the requisite qualifications have not presented themselves for appointment.

(c) The claims of Sikhs to vacancies in the cadre of Examiners will continue to receive due consideration.

APPOINTMENT OF SIKHS AS METEOROLOGISTS.

185. *Sardar Kartar Singh : Is it a fact that six probationers in 1927 and two in 1928 were taken for Meteorologist's appointments and all of them were either Madrasis or Bengalis ? If so, do Government propose to consider the claims of Punjabis and especially Sikhs at the time of the next selection ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : Eight probationers were appointed as stated ; of these five were Bengalis, two Madrassis and one was a Parsi. With regard to the remaining part of the question, I would refer the Honourable Member to the answer I gave on the 7th February, 1927, to part (b) of Sardar Gulab Singh's starred question No. 312.

Mr. Gaya Prasad Singh : Should appointments for all-India Services be made on the basis of religion and province, or on the intrinsic merits and fitness of candidates ?

The Honourable Sir Bhupendra Nath Mitra : All I can say is that, in regard to this particular service, namely, the Superior Meteorological Service, appointments are made on the recommendations of the Public Service Commission.

APPOINTMENT OF PUNJABIS AS INSPECTORS OF STORES UNDER THE METALLURGICAL INSPECTOR, JAMSHEDPUR.

186. *Sardar Kartar Singh : (a) Is it a fact that all the five Inspectors of Stores under the Metallurgical Inspector, Jamshedpur, are Bengalis ? If so, what are their educational qualifications and experience ?

(b) How is recruitment for this service made ?

(c) Do Government propose to consider the claims of Punjabis at the time of the next vacancies ?

The Honourable Sir Bhupendra Nath Mitra : (a) The reply to the first part of the question is in the negative. The second part does not arise.

(b) Recruitment is made through the Public Service Commission.

(c) The Public Service Commission no doubt give due consideration to the claims of all communities at the time of recruitment.

PROMOTION OF SIKHS TO THE UPPER DIVISION AND SUPERINTENDENTS APPOINTMENTS IN GOVERNMENT DEPARTMENTS.

187. *Sardar Kartar Singh : Is it a fact that a qualifying examination is to be held by the Public Service Commission for promotion of the

present incumbents in the different Departments and their attached offices to higher grades ? If so, do Government propose to take into consideration the total absence of Sikhs in the Upper Division and consequently in the Superintendents' grade in almost all the offices, and pass such number of them as would give them a due share in each Department ? If not, why not ?

The Honourable Sir James Orerar : The reply to the first part of the Honourable Member's question is in the affirmative. As regards the rest, he is incorrect in supposing that there are no Sikhs in the Upper Division. The examination to which the Honourable Member refers is for the purpose of departmental promotion, while the orders regarding the recruitment of members of minority communities refer to initial recruitment only and not to promotion.

APPOINTMENT OF SIKHS TO THE OFFICE OF THE DIRECTOR GENERAL OF ARCHAEOLOGY.

188. ***Sardar Kartar Singh :** (a) With reference to the reply given to my question on the 20th September last, will Government please state whether any Sikh has since been appointed in the Office of the Director General of Archæology ? If not, why not ?

(b) How many vacancies have been filled up in that office since then and by candidates of what communities ?

(c) Were the Public Service Commission asked to nominate a Sikh for any of these vacancies and did they nominate any ?

(d) If not, did the Director General endeavour to recruit a Sikh from other sources temporarily subject to his passing the Public Service Commission examination later ? Did he do so in the case of Muhammadans ? *Vide* the advertisement referred to in my question of September last. Why was not this method tried to appoint a Sikh in that office ?

Sir Frank Noyce : (a) No Sikh has been appointed as no suitable Sikh candidate applied.

(b) Two temporary vacancies have been filled up since then, one by a Christian and the other by a Muhammadan.

(c) Yes, but the Commission were unable to nominate a Sikh.

(d) Yes, but no suitable candidate from the Sikh community was available.

APPOINTMENT OF SIKHS TO THE OFFICE OF THE DIRECTOR GENERAL OF ARCHAEOLOGY.

189. ***Sardar Kartar Singh :** (a) Did the Khalsa Young Men's Association, Simla, submit a representation to the Director General of Archæology in July, 1929, requesting him to appoint a Sikh in his office ?

(b) Have Government seen the reply given by the Director General to that representation that recruitment in his office is made through the Public Service Commission, to whom the Association should address their representation ?

(c) Is it a fact that he invited applications from only Muhammadans last year for appointment in his office and, if so, how is it that he did so when he is not authorised to recruit directly ?

(d) Does the responsibility for appointing members of various communities in an office rest with the Public Service Commission or the head of the office ? If it rests with the latter, how do Government justify the reply given by the Director General ?

(e) Is it a fact that, while the Director General gave the Khalsa Association the above reply, he was at that very time endeavouring to appoint a Muhammadan in a fresh vacancy ?

(f) How do Government propose to remove this long-standing grievance of the Sikhs ?

Sir Frank Noyce : (a) and (b). Yes.

(c) Yes. The Director General of Archaeology in India was authorised by the Public Service Commission last year to recruit directly as a special case.

(d) The responsibility for appointing members of various communities in an office rests with the head of the office. The intention of the Director General of Archaeology's reply to the Khalsa Youngmen's Association was that the Association should address the Public Service Commission, through whom recruitment is effected.

(e) Yes. The Director General considered that a Muhammadan was required to replace a Muhammadan transferred to another Department.

(f) The Director General of Archaeology fully recognises the claims of the Sikh community and will endeavour to recruit a Sikh in the next vacancy, provided that a suitable candidate is available.

LOSS SUFFERED BY THE NORTH-WESTERN RAILWAY ON THE PURCHASE OF TIN INGOT.

190. ***Diwan Chaman Lall :** (1) Has the attention of Government been drawn to the heavy loss suffered by the North Western Railway mentioned on page 26 of the Executive Report on the accounts of Indian Railways, 1927-28, in connection with the heavy purchase of tin ingot ?

(2) Is the maximum limit for stores of indigenous origin three months ?

(3) Is the maximum limit for stores of foreign origin six months ?

(4) Is tin ingot of foreign or indigenous origin ?

(5) Is it a fact that in the purchase of this commodity (if of indigenous origin) the loss to the North Western Railway amounts to Rs. 69,000 and (if of foreign origin) the loss amounts to about Rs. 30,000 ?

(6) Will Government please state whether the Controller of Stores, North Western Railway, is responsible for this loss ?

(7) Is it a fact that the Controller of Stores, North Western Railway, issued orders for this commodity in excess of requirements and, if so, what action has been taken against him ?

(8) Do Government propose to institute an inquiry into the conduct and action of the Controller of Stores, North Western Railway ?

Mr. P. B. Rau : (1) Yes.

(2) and (3). Yes.

(4) Foreign.

(5) In the Executive Report above referred to, the Accountant General estimated the loss up to February, 1928, at Rs. 69,000. In his subsequent Appropriation Report this estimate was revised by him to Rs. 52,000. The price of tin fluctuates considerably, and consequently any estimation of loss or gain depends on the date for which the market rate is taken, compared with the date on which the actual purchase was made.

(6), (7) and (8). The loss, whatever the amount, was due to the fact that subsequent to the purchase of the tin referred to, the Railway Board issued instructions to modify the composition of bearing metal which has resulted in a considerable saving in the cost of repairs to rolling stock. These instructions were issued in December 1927. The action taken by the Controller of Stores, North Western Railway, was based on the information he had available at the time.

Diwan Chaman Lall : May I ask the Honourable Member whether it is not a fact that the loss was caused owing to the fact that an excess quantity of tin ingot was ordered by the Controller of Stores ?

Mr. P. B. Rau : The excess was due to the change in the percentage of the tin ingot.

Diwan Chaman Lall : May I ask the Honourable Member whether, in ordering this excess, he exceeded the maximum limit ?

Mr. P. B. Rau : Not that I am aware of.

Diwan Chaman Lall : Will the Honourable Member make sure of his facts and let me have a reply whether he did not exceed the maximum limit ? Will the Honourable Member give me a reply to parts (1), (2) and (3) ?

Mr. P. B. Rau : I said " Yes ".

Diwan Chaman Lall : Is the Honourable Member then aware that the maximum limit was exceeded ?

Mr. P. B. Rau : I said I am not aware of that.

Diwan Chaman Lall : Is this the same gentleman who was responsible for the loss on the Khyber construction ?

Mr. P. B. Rau : I am not sure of that.

Diwan Chaman Lall : Is it the same gentleman who was responsible for condoning the fraud committed by Messrs. Richardson and Cruddas ?

The Honourable Sir George Rainy : The Honourable Member is perfectly aware that Mr. Bailey is Controller of Stores in the North-Western Railway. Therefore he has the information already.

Diwan Chaman Lall : I merely wanted to inform the House through the Honourable Member.

VALUE OF ORDERS PLACED WITH INDIAN AND EUROPEAN FIRMS BY THE NORTH WESTERN RAILWAY.

191. ***Diwan Chaman Lall** : (a) Will Government lay on the table a statement showing the total amount in rupees of orders placed with Indian and European firms, respectively, two years previous to the present Controller of Stores, North Western Railway, taking charge and two years subsequent to his taking charge ?

(b) Do Government propose to institute an immediate inquiry into this matter and make the information available to the House ?

Mr. P. R. Rau : The information required cannot be compiled without an inordinate expenditure of time and labour.

Diwan Chaman Lall : Is the Honourable Member aware that the policy of Mr. Victor Bailey, the Controller of Stores, has been to knock out Indian firms and register European firms ?

Mr. P. R. Rau : If the Honourable Member will give me the facts substantiating that allegation, I am sure the Railway Board would be glad to inquire.

Diwan Chaman Lall : Is the Honourable Member aware that he can get at the facts much better than I can ?

Mr. P. R. Rau : It is easier to make allegations than to substantiate them.

Diwan Chaman Lall : I am prepared to substantiate every word of what I say on the floor of this House.

Mr. P. R. Rau : I welcome that.

Diwan Chaman Lall : Will the Honourable Member give me every facility to look into the registers of the Controller of Contracts on the North Western Railway ? (Applause.)

Mr. P. R. Rau : I must think over that.

Diwan Chaman Lall : Will the Honourable Member inquire into this matter and place a list of contractors whose names have been knocked out on the table of this House ?

Mr. P. R. Rau : That is anticipating a further question, Sir.

NUMBER OF INDIAN AND EUROPEAN FIRMS REMOVED FROM THE LIST OF APPROVED CONTRACTORS OF STORES FOR THE NORTH WESTERN RAILWAY.

192. ***Diwan Chaman Lall** : Will Government be pleased to state the number of firms removed from the list of approved contractors of the Stores Department of the North Western Railway by the present Controller of Stores and for what reasons ? How many of these are Indian and how many European ?

Mr. P. R. Rau : The North Western Railway have removed the names of 86 firms from the list of firms to which inquiries are sent for requirements outside advertised demands. Of these, 75 are understood to be Indian and 11 to be European. This does not, however, affect the eligibility of such firms to tender for the ordinary purchases made by the North Western Railway which are publicly advertised.

Diwan Chaman Lall : Is the Honourable Member aware that the allegation I made on the floor of this House is substantiated out of his own mouth ?

Mr. P. R. Rau : The number of firms retained on the register are ten, of whom six are Indian and four European.

Diwan Chaman Lall : May I ask the Honourable Member whether he will repeat that reply again as to the number of firms whose names have been knocked out ? Is it a fact that 75 Indian firms have been knocked out ?

Mr. P. R. Rau : Yes.

Diwan Chaman Lall : What is the number of European firms ?

Mr. P. R. Rau : I have already given that number.

Diwan Chaman Lall : Will the Honourable Member repeat it ?

Mr. P. R. Rau : 75 are Indian and 11 are European.

Diwan Chaman Lall : Is the Honourable Member satisfied that my allegation is correct ?

The Honourable Sir George Rainy : No, Sir. The Government are not satisfied that the Honourable Member's allegation is correct. If the Honourable Member will look at the reply, he will find 75 out of 81 of the Indian firms and 11 out of 15 of the European firms were removed from the List. I do not think these figures substantiate the allegation.

Diwan Chaman Lall : Is the Honourable Member aware that, since notice was given of this question, certain Indian firms have been brought back on to the register ?

The Honourable Sir George Rainy : No, Sir.

Diwan Chaman Lall : Will the Honourable Member make an inquiry and discover that the allegation I am making is correct ?

The Honourable Sir George Rainy : I cannot undertake to give a guarantee that I shall find that the Honourable Member's allegations are correct.

Diwan Chaman Lall : I am prepared to prove my allegations.

The Honourable Sir George Rainy : I can assure the Honourable Member and other Honourable Members of this House, that when they make suggestions of that kind, naturally the Government of India will inquire into them. We do not assume that Honourable Members are irresponsible.

Diwan Chaman Lall : I take it that, on this side of the House, we also assume that Honourable Members, when they give their replies, are responsible.

INCURRING OF EXPENDITURE IN EXCESS OF THE BUDGET FOR STORES ON THE NORTH WESTERN RAILWAY.

193. ***Diwan Chaman Lall :** (a) Is it a fact that the North Western Railway budget of stores was exceeded by about 60 or 70 lakhs during the first year of the present Controller of Stores' incumbency (1927-28) ?

(b) Is it a fact that the Controller of Stores, North Western Railway, was told not to spend any money in excess of the allotted budget for 1928-29 ?

(c) Is it a fact that the same thing happened the following year and the budget was exceeded by over 30 lakhs (1928-29) ?

(d) Will Government be pleased to state what action they have taken against the person or persons responsible for this state of affairs ?

Mr. P. R. Rau : (a) and (c). If, as I presume, the Honourable Member means the Stores Suspense figure, which includes a number of other account heads in addition to the balances of stores proper, the budget figure was exceeded by 62 lakhs in 1927-28 and by 23 lakhs in 1928-29.

(b) The Agent was instructed to devise measures by which his expenditure could be kept within the limits of the total budget grant for capital expenditure fixed by the Railway Board.

(d) The excessive stores balances were in a great measure due to circumstances outside the control of the officers and staff of the North Western Railway. The action being taken by the North Western Railway has already resulted in a reduction of the stores balances.

Diwan Chaman Lall : May I ask the Honourable Member whether it is a fact that the Controller of Stores, who is responsible for this, is Mr. Victor Bailey ?

Mr. P. R. Rau : I believe he was the Controller of Stores in the years mentioned.

INCREASE OF STORES BALANCES UNDER THE PRESENT CONTROLLER OF STORES, NORTH WESTERN RAILWAY.

194. ***Diwan Chaman Lall :** (a) Will Government be pleased to state what were the stores balances on the North Western Railway on the 31st of March, 1927, previous to the present Controller of Stores joining his Department ? What were the stores balances on the 31st of March, 1928, and 31st of March, 1929 ?

(b) Do these figures show a remarkable increase ?

(c) What action has been taken by the Controller of Stores, North Western Railway, in this connection ?

Mr. P. R. Rau : (a) and (b). The stores balances of the North Western Railway as a whole are as follows :

	Lakhs.
On 31st March 1927	3,68
On 31st March 1928	4,82
On 31st March 1929	4,60

A report as to the exact measures taken by the Controller of Stores to reduce his balances has been called for. I shall communicate with the Honourable Member on receipt.

Diwan Chaman Lall : If the Honourable Member finds that there is something wrong in this increase in stores, will he be prepared to take action against the Controller of Stores ?

Mr. P. R. Rau : That will be considered by the Railway Board.

Diwan Ohaman Lall : Will the Honourable Member institute an inquiry into all these matters referred to in my question and take action against the Controller of Stores if he is found to be blameworthy ?

The Honourable Sir George Rainy : The Government of India cannot answer hypothetical questions.

Mr. Gaya Prasad Singh : Asking for information is not putting a hypothetical question.

DEATHS OF DECK PASSENGERS ON BOARD STEAMERS BRINGING INDIAN EMIGRANTS BACK FROM BRITISH GUIANA.

195. ***Sir Purshotamdas Thakurdas :** (a) Will Government be pleased to state if it is a fact that since the Imperial Indian Citizenship Association made a representation to the Government of India in September 1928 regarding deaths of deck passengers on board steamers bringing Indian emigrants back from British Guiana, more deaths have taken place on one of these steamers in April 1929 ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state what action they have taken to put a stop to this avoidable loss of Indian life ?

Sir Frank Noyce : (a) The Honourable Member is presumably referring to the deaths which occurred among Indian repatriates on board the S.S. "Chenab" which arrived at Calcutta on the 2nd May, 1929, from Trinidad. If so, the reply is in the affirmative.

(b) The Government of India are still in correspondence with the Government of British Guiana regarding the deaths which occurred last year amongst emigrants returning from British Guiana. They are also considering whether any action is required in the case of the deaths on the S. S. "Chenab".

PAYMENT OF ADDITIONAL STRIKE BONUS TO TRAIN EXAMINERS, HOWRAH COACHING, EAST INDIAN RAILWAY.

196. ***Rai Bahadur Tarit Bhusan Roy :** Will Government be pleased to state :

- (a) Whether it is a fact that the loyal railway men of the Howrah district in the employ of the East Indian Railway were paid extra strike bonus for their exceptional services during the last railway strike which originated at the Lillooah Carriage and Wagon shops ?
- (b) What class of employees were paid this extra bonus ?
- (c) What was the Agent's circular regarding reward to the loyal staff ?
- (d) Whether it is a fact that a large number of Train Examiners and Assistant Train Examiners, Howrah Coaching, who sacrificed all comforts to maintain all the stock of local, through and mail trains, English mails and tourist special trains, were deprived from participation in the second strike bonus in violation of the Agent's circular No. 481/A.L.-1393 regarding reward to loyal staff ?

- (e) What was the nature of the petition of the Train and Assistant Train Examiners, Howrah Coaching, dated 30th June, 1929, and submitted to the Divisional Superintendent, Howrah, through the Head Carriage Inspector ?
- (f) Whether they propose to make an early inquiry into the matter and redress the grievances of a section of loyal employees who have been deprived of the second strike bonus ?

Mr. P. R. Rau : (a) to (c). I would refer the Honourable Member to the reply given on the 6th March, 1929, to part (a) of starred question No. 925 by Mr. V. V. Jogiah.

(d) The Agent reports that the additional bonus was only given to those who fulfilled the conditions mentioned in paragraph I (2) of his Circular and all the Divisional staff, including the Train and Assistant Train Examiners, were dealt with in this manner by the Divisional Superintendent personally.

(e) It was a petition to be granted the additional bonus.

(f) Government do not propose to interfere with the discretion of the Agent, East Indian Railway, in this matter.

RATES OF PAY FOR COOLIES AT CERTAIN STATIONS ON THE EASTERN BENGAL RAILWAY.

197. ***Rai Bahadur Tarit Bhusan Roy :** (a) Are Government aware of the fact that the coolies at Sealdah, Goalundo-ghat, Khulna and Parbuttypur on the Eastern Bengal Railway exact from intermediate and third class passengers rates much higher than the scheduled rates ?

(b) Do Government propose to see that the scheduled rates of the coolies per load are prominently displayed both in English and in the vernacular on the platforms at Sealdah, Goalundo-ghat, Khulna and Parbuttypur ?

(c) Do Government propose to make immediate arrangements for drastic action being taken against any coolies tyrannizing the passengers and compelling them to pay at Sealdah, Goalundo-ghat, Khulna and Parbuttypur, or demanding from them, rates higher than the scheduled rates ?

Mr. P. R. Rau : Government have received no information as to excess charges being levied at these stations on the Eastern Bengal Railway. A copy of the Honourable Member's question has been sent to the Agent for any action he may consider necessary.

ARRANGEMENTS MADE ON THE EASTERN BENGAL RAILWAY FOR CARRYING PASSENGERS TO THE KUMBHA MELA IN 1930.

198 ***Rai Bahadur Tarit Bhusan Roy :** Will Government be pleased to state what arrangements the Eastern Bengal Railway are making for carrying passengers on the occasion of the forthcoming *Kumbha Mela* at Allahabad in 1930 without exceeding the approved carrying capacity of the carriages and without using wagons or trucks for carrying pilgrims ?

Mr. P. B. Rau : The Agent of the Eastern Bengal Railway reports that necessary arrangements will be made to provide for the carriage of passengers over that railway without inconvenience or overcrowding on the occasion of the Kumbha Mela at Allahabad in 1930. The running of certain special through services is at present under the consideration of that Administration.

PROVISION OF ADDITIONAL ACCOMMODATION FOR THIRD CLASS PASSENGERS IN LOCAL TRAINS ON THE BENGAL NAGPUR AND EASTERN BENGAL RAILWAYS.

199. ***Raj Bahadur Tarit Bhusan Roy :** (a) Are Government aware that during week-days local trains on the Bengal Nagpur Railway and Eastern Bengal Railway carry passengers much in excess of their capacity and that frequently passengers are seen hanging on to the foot-boards of the carriages ?

(b) Do Government propose to take proper and prompt action for the better accommodation of intermediate and third class passengers in local trains by increasing the number of intermediate and third class carriages in each train or by running a larger number of local trains ?

Mr. P. B. Rau : Since the beginning of this year, a system of census checks of the number of passengers in individual trains, as compared with the actual seating accommodation, has been brought into operation on railways, and the results of such census checks are discussed with the Local Advisory Committees of Railways. The checks so far made on the Bengal Nagpur and Eastern Bengal Railways do not show that the number of trains overcrowded is high. Action is being taken by the Railway Administrations to improve matters where overcrowding is disclosed.

PROVISION OF LATRINES IN RAILWAY CARRIAGES IN LOCAL TRAINS ON THE EASTERN BENGAL RAILWAY.

200. ***Raj Bahadur Tarit Bhusan Roy :** Are Government aware that in most of the local trains on the Eastern Bengal Railway there are no latrine arrangements in any class of carriages and, if so, do Government propose to take steps for providing latrines in all carriages in local trains ?

Mr. P. B. Rau : Government are aware that carriages on suburban trains on the Eastern Bengal Railway are not provided with latrine accommodation. In this particular they follow what is the usual practice in India and is, so far as I am aware, invariably followed in Europe and America.

The conditions under which suburban trains work make such provision unnecessary and undesirable.

NAMES AND DESIGNATIONS OF PROVINCIAL OFFICERS NOMINATED AS MEMBERS OF THE LEGISLATIVE ASSEMBLY AND COUNCIL OF STATE SINCE 1921.

201. ***Maulvi Muhammad Yakub :** Will Government be pleased to state the names and designations of officers who have been nominated from time to time since 1921 as Members of the Legislative Assembly and the Council of State from each Province ?

The Honourable Sir Brojendra Mitter : Statements are laid on the table giving the information required.

List of Officers nominated to the Council of State from time to time since 1921, according to Provinces.

Provinces.	Names of Members.	Designations.	Year.	
Madras ..	Mr. E. S. Lloyd ..	Acting Revenue Secretary	15th January 1921 to the 22nd August 1922.	
	Sir Leslie C. Miller ..	Judge (Retired) ..	26th August 1922 to 9th February 1924 and from 16th December 1924 to 18th February 1925.	
	Mr. H. G. Stokes ..	Collector and Magistrate	8th March 1924 to 15th May 1924 and from 22nd July 1926 to 10th August 1926.	
	Rev. Dr. E. Monteith Macphail.	Vice-Chancellor, Madras University.	15th May 1924 to 26th July 1924.	
	Mr. W. G. McFarland	Collector and District Magistrate.	26th July 1924 to 16th December 1924.	
	Mr. Pratap Chandra Dutt.	Collector and Magistrate.	3rd March 1925 to 15th October 1925 and from 24th August 1929 to	
	Sir Charles G. Todhunter.	Member, Board of Revenue.	19th January 1926 to 22nd July 1926.	
	Mr. H. Tireman ..	Chief Conservator of Forests.	10th August 1926 to 16th December 1926.	
	Mr. F. B. Evans ..	Secretary to Government, Madras.	4th February 1927 to 8th August 1927.	
	Khan Bahadur Muhammad Buzl-Ullah.	Collector and Magistrate.	8th August 1927 to 17th January 1928.	
	Mr. H. A. B. Vernon	Member, Board of Revenue.	17th January 1928 to 12th January 1929.	
	Mr. H. L. Braidwood ..	Collector and Magistrate.	12th January 1929 to 24th August 1929.	
	Bombay ..	Mr. C. N. Seddon ..	2nd Grade Commissioner	15th January 1921 to 31st August 1921.
		Mr. F. G. Pratt ..	Commissioner	31st August 1921 to 7th January 1922.
Mr. C. M. Baker ..		Revenue Secretary, Government of Bombay.	7th January 1922 to 9th July 1923.	
Mr. W. C. Sheperd ..		Collector and Magistrate.	9th July 1923 to 1st March 1924.	
Mr. J. R. Martin ..		Collector and Magistrate.	1st March 1924 to 9th August 1924.	
Mr. A. C. Wild ..		District and Sessions Judge.	9th August 1924 to 11th August 1925.	
Mr. E. G. L. Laird-McGregor.		Collector of Salt Revenue	11th August 1925 to 15th October 1925.	
Mr. J. E. B. Hotson ..		Collector and Superintendent of Stamps.	16th January 1926 to 22nd March 1926.	
Mr. J. W. Smyth ..		Collector and Magistrate	22nd March 1926 to 11th January 1927.	
Mr. G. A. Thomas ..		Collector and Magistrate	11th January 1927 to 8th July 1927.	
Mr. W. C. Tudor-Owen	Collector and Magistrate	8th July 1927 to 7th December 1927.		

Provinces.	Names of Members.	Designations.	Year.
Bombay— <i>contd.</i>	Mr. G. W. Hatch ..	1st Grade Commissioner	7th December 1927 to 22nd March 1928.
	Mr. A. M. Macmillan ..	Collector and Magistrate	10th July 1928 to 12th January 1929.
	Mr. H. B. Clayton ..	Collector	12th January 1929 to
Bengal ..	Khan Bahadur Amin- ul-Islam.	Inspector General of Re- gistration.	15th January 1921 to 13th May 1925.
	Mr. Khagendra Nath Mitra.	Magistrate	26th May 1924 to 15th October 1925.
	Mr. T. Emerson ..	Commissioner	13th January 1926 to 10th November 1926.
	Mr. J. A. L. Swan ..	Commissioner	8th December 1926 to 7th December 1927.
	Mr. K. C. De ..	Commissioner	7th December 1927 to 6th March 1928 and from 12th March 1926 to 2nd February 1929.
	Mr. J. A Woodhead ..	District and Sessions Judge.	6th March 1928 to 12th March 1928.
	Rai Suresh Chandra Basu Bahadur.	Magistrate and Collector	2nd February 1929 to!
United Pro- vinces.	Dr. Ganga Nath Jha ..	Superintendent of Sans- krit Studies, Benares.	15th January 1921 to 7th January 1924.
	Pandit Sham Bihari Misra.	Deputy Commissioner ..	2nd February 1924 to 15th October 1925 and from 13th January 1926 to 20th June 1928.
Punjab ..	Khan Bahadur Shaikh Maqbul Hussain.	Magistrate and Collector.	20th June 1928 to
	Lieutenant-Colonel A. C. Elliott.	Political Agent, Phulkian States.	29th January 1921 to 11th January 1922.
	Diwan Tek Chand ..	Commissioner of Amballa	14th January 1922 to 19th January 1924.
	Mr. A. M. Stow ..	Deputy Commissioner ..	19th January 1924 to 30th April 1924.
	Mr. C. A. Barron ..	Financial Commissioner	23rd August 1924 to 13th September 1924.
	Diwan Tek Chand ..	Commissioner, Amballa ..	2nd December 1924 to 15th October 1925 and from 13th January 1926 to 17th August 1926 and from 20th January 1927.
	Mr. A. Latifi ..	Deputy Commissioner, Amballa. Officiating Commissioner.	15th December 1927 to 23rd August 1928 and from 24th August 1929 to
	Nawab Malik Muham- med Hayat Khan.	Officiating Commissioner, Amballa Division.	22nd August 1928 to 8th January 1929.
Bihar and Orissa.	Mr. Miles Irving ..	Commissioner, Amballa Division.	8th January 1929 to 24th August 1929.
	Mr. E. L. L. Hammond	Collector and Magistrate	15th January 1921 to 10th January 1922 and from 19th August 1922 to 16th November 1922.

Provinces.	Name of Members.	Designations.	Year.
Bihar and Orissa— <i>contd.</i>	Mr. H. T. Stonor Forrest.	Commissioner, Tirhut Division.	14th January 1922 to 14th August 1922 and from 2nd December 1922 to 12th July 1923 and from 26th November 1926 to 8th July 1927.
	Mr. E. H. Berthoud	Commissioner.. ..	14th July 1923 to 17th December 1923 and from 10th May 1924 to 2nd July 1925 and from 8th July 1927 to 28th December 1927.
	Mr. H. K. Briscoe ..	Secretary, Finance Department.	17th December 1923 to 6th May 1924.
	Mr. Birendra Chandra Sen.	Commissioner, Patna Division.	2nd July 1925 to 15th October 1925.
	Mr. J. A. Hubback ..	Commissioner.. ..	13th January 1926 to 10th August 1926.
	Mr. D. Weston ..	Commissioner.. ..	10th August 1926 to 12th November 1926 and from 28th December 1927 to

List of officers nominated to the Legislative Assembly from time to time since 1921, according to Provinces.

FIRST ASSEMBLY.

Madras ..	Mr. J. F. Bryant ..	Collector and District Magistrate.	15th January 1921 to 3rd July 1922.
	Mr. T. E. Moir ..	Collector and District Magistrate.	22nd June 1922 to 4th May 1923.
	Mr. H. R. Bardswell..	District and Sessions Judge.	14th June 1923 to 12th September 1923.
	Rao Bahadur C. Krishnaswami Rao.	Provincial Service ..	15th January 1921 to 22nd June 1922.
	Mr. R. W. Davies ..	Collector and District Magistrate.	4th September 1922 to 16th February 1923.
	Rao Bahadur P. T. Srinivasa Achariyar.	Under Secretary, Revenue Department.	3rd March 1923 to 7th June 1923.
Bombay ..	M. R. Ry. Rajagopala Narasimha Ayyangar Avargal.	Ex. Engineer and Under Secretary to Government.	7th June 1923 to 12th September 1923.
	Mr. P. E. Percival ..	District Judge and Sessions Judge	22nd January 1921 to 12th September 1923.
	Mr. Jahangir Kai-khosru Navroji Kabraji.	Deputy Superintendent of Police.	22nd January 1921 to 22nd June 1922.
	Mr. W. F. Hudson ..	Collector and Magistrate	2nd August 1922 to 12th October 1922.
	Mr. P. B. Haig ..	Collector and District Magistrate.	4th November 1922 to 12th September 1923.
	United Provinces.	Mr. C. E. Wild	Opium Agent, Ghazipur
Mr. D. R. Lyle ..		District and Sessions Judge.	30th July 1921 to 4th January 1922.
Mr. T. A. H. Way ..		Commissioner of Excise	13th January 1922 to 12th January 1923.
Mr. H. E. Holme ..		District and Sessions Judge.	12th January 1923 to 12th September 1923.
Khan Bahadur Chaudhri Wajid Hussain.		Deputy Registrar, Co-operative Credit Societies.	15th January 1921 to 13th January 1922.

Provinces.	Name of Member.	Designation.	Year.
Bengal ..	Mr. H. E. Spry ..	FIRST ASSEMBLY— <i>contd.</i> Officer on Special Duty, Government of Bengal, Income-tax Department.	1st March 1921 to 24th August 1921.
	Mr. F. B. Bradley Birt	Collector	24th August 1921 to 5th July 1923.
	Mr. P. C. Chatarji ..	Deputy Magistrate ..	5th July 1923 to 12th September 1923.
	Mr. D. K. Mitter ..	Deputy Magistrate and Deputy Collector.	15th January 1921 to 11th January 1922.
Punjab ..	Mr. Khagendra Nath Mitra.	Probationary Sub-De- puty Collector	11th January 1922 to 12th September 1923.
	Mr. W. C. Renouf ..	Deputy Commissioner ..	15th January 1921 to 13th September 1921.
	Mr. C. A. H. Townsend	Director of Agriculture	13th September 1921 to 17th October 1921.
	Mr. W. C. Renouf ..	Deputy Commissioner ..	17th October 1921 to 17th July 1922.
	Mr. H. P. Tollinton ..	Deputy Commissioner ..	17th July 1922 to 3rd January 1923.
	Mr. C. A. H. Townsend	Director of Agriculture	3rd January 1923 to 27th June 1923.
	Mr. H. Calvert ..	Deputy Commissioner ..	27th June 1923 to 12th September 1923.
Bihar and Orissa.	Khan Bahadur Muham- mad Habibullah.	Deputy Magistrate and Deputy Collector.	15th January 1921 to 8th August 1922.
	Rai Bahadur Shyam Narayan Singh.	Deputy Magistrate and Collector.	8th August 1922 to 12th September 1923.
Central Pro- vinces.	Mr. W. N. Maw ..	Commissioner	15th January 1921 to 21st July 1921.
	Mr. Rustomji Fari- doonji	Deputy Commissioner	21st July 1921 to 24th April 1922.
	Mr. F. S. A. Slocock	Commissioner	7th July 1922 to 3rd January 1923.
	Mr. Rustomji Fari- doonji.	Deputy Commissioner ..	3rd January 1923 to 12th September 1923.
Assam ..	Mr. A. W. Dentith ..	Commissioner	15th January 1921 to 10th August 1922.
	Mr. B. C. Allen ..	Commissioner	10th August 1922 to 10th May 1923.
	Mr. H. C. Barnes ..	Deputy Commissioner ..	10th May 1923 to 12th September 1923.
Burma ..	Mr. W. J. Keith ..	Commissioner	15th January 1921 to 9th May 1921.
	Mr. H. Clayton ..	Deputy Commissioner ..	9th May 1921 to 17th November 1922.
	Mr. W. J. Keith ..	Commissioner	17th November 1921 to 5th April 1922.
	Mr. R. E. V. Arbuthnot	Financial Commissioner	2nd August 1922 to 3rd October 1922.
	Mr. W. H. L. Cabell ..	Commissioner	30th November 1922 to 11th July 1923.
SECOND ASSEMBLY.			
Madras ..	Mr. T. E. Moir ..	Collector and District Magistrate.	8th January 1924 to 12th April 1924.
	Mr. B. Littlehailes ..	Director of Public In- struction.	15th May 1924 to 28th August 1924.

Province.	Name of Member.	Designation.	Year.	
MADRAS— <i>contd.</i>	Mr. T. E. Moir ..	SECOND ASSEMBLY— <i>contd.</i> Collector and District Magistrate.	5th January 1925 to 15th April 1925.	
	Dewan Bahadur T. Vijayaraghavacharya Avargal.	Ditto ..	4th August 1925 to 19th July 1926.	
	Sir George F. Paddison	Commissioner of Labour	19th July 1926 to 13th September 1926.	
	Mr. J. Mathison Turing	Collector and District Magistrate.	8th January 1924 to 12th April 1924.	
	Rao Bahadur C. V. V. Sastri.	Provincial Service ..	14th May 1924 to 14th July 1925.	
	Mr. V. Panduranga Rao	District and Sessions Judge.	4th August 1925 to 13th October 1925.	
	Mr. H. A. B. Vernon	Collector and District Magistrate.	10th January 1926 to 22nd July 1926.	
	Dewan Bahadur C. V. V. Sastri.	Provincial Service ..	22nd July 1926 to 13th September 1926.	
	Bombay ..	Mr. P. E. Percival ..	Sessions Judge ..	8th January 1924 to 12th April 1924.
		Mr. W. F. Hudson ..	Collector and Superin- tendent of Stamps.	12th April 1924 to 9th April 1925.
Mr. M. Webb ..		Collector and District Magistrate.	14th May 1925 to 25th November 1925.	
Mr. W. F. Hudson ..		Collector and Superin- tendent of Stamps.	25th November 1925 to 13th September 1926.	
Mr. P. B. Haig ..		Collector and District Magistrate.	8th January 1924 to 29th November 1924.	
Mr. R. D. Bell ..		Ditto ..	13th February 1924 to 26th July 1924.	
Mr. M. Webb ..		Ditto ..	26th July 1924 to 21st March 1925.	
Mr. R. G. Gordon ..		Ditto ..	13th July 1925 to 26th April 1926.	
Mr. F. W. Allison ..		District and Sessions Judge.	30th June 1926 to 13th September 1926.	
Bengal ..		Mr. L. S. S. O'Malley	Commissioner ..	8th January 1924 to 6th May 1924.
	Mr. G. H. W. Davies ..	Magistrate and Collector	6th May 1924 to 26th Au- gust 1924.	
	Mr. H. P. Duval ..	Secretary, Government of Bengal, Judicial De- partment.	28th August 1924 to 6th February 1925.	
	Mr. A. Marr ..	Secretary, Government of Bengal, Finance Department.	6th February 1925 to 10th August 1925.	
	Mr. C. W. Gurner ..	Deputy Secretary, Gov- ernment of Bengal, Po- litical and Appoint- ment Department.	10th August 1925 to 25th November 1925.	
	Mr. J. T. Donovan ..	Magistrate and Collector	25th November 1925 to 13th September 1926.	
	Mr. C. C. Nag ..	Provincial Service ..	8th January 1924 to 13th January 1925.	
	Khan Bahadur Abdul Mumin.	Magistrate and Collector	13th January 1925 to 22nd November 1925.	
	Khan Bahadur Afzal- ur Rahman.	Deputy Magistrate ..	24th December 1925 to 13th September 1926.	
	United Pro- vinces.	Mr. H. E. Holme ..	District and Sessions Judge.	8th January 1925 to 15th January 1925.
Mr. E. H. Ashworth ..		Ditto ..	15th January 1925 to 25th December 1925.	

Province.	Name of Member.	Designation.	Year.
United Provinces— contd.	Mr. E. R. Neave ..	SECOND ASSEMBLY—contd. District and Sessions Judge.	23rd December 1925 to 9th August 1926.
	Mr. E. L. Norton ..	Ditto ..	9th August 1926 to 13th September 1926.
Punjab ..	Mr. H. Calvert ..	Deputy Commissioner ..	8th January 1924 to 19th May 1924.
	Mr. C. A. H. Townsend	Commissioner	19th May 1924 to 29th July 1924.
	Mr. H. Calvert ..	Deputy Commissioner ..	16th August 1924 to 29th July 1925.
	Mr. A. Langley ..	Commissioner	29th July 1925 to 25th December 1925.
	Mr. H. Calvert ..	Deputy Commissioner ..	25th December 1925 to 3rd August 1926.
	Mr. C. A. H. Townsend	Commissioner	3rd August 1926 to 13th September 1926.
	Mr. H. Calvert ..	Deputy Commissioner ..	13th September 1926 to 22nd August 1924.
Bihar and Orissa. Central Pro- vinces.	Rai Bahadur Shyam Narayan Singh.	Special Officer, Political Department.	8th January 1924 to 13th September 1926.
	Mr. Rustomji Fari- doonji.	Collector and District Magistrate.	8th January 1924 to 22nd August 1924.
	Mr. R. A. Wilson ..	Deputy Commissioner ..	22nd August 1924 to 8th April 1925.
	Mr. E. Gordon ..	Ditto ..	21st July 1925 to 23rd December 1925.
	Mr. K. S. Jatar ..	Ditto ..	23rd December 1925 to 27th July 1926.
Assam ..	Mr. J. F. Dyer ..	Ditto ..	27th July 1926 to 13th September 1926.
	Mr. B. C. Allen ..	Commissioner	8th January 1924 to 13th April 1924.
	Mr. J. Hezlett ..	Do. ..	6th May 1924 to 20th November 1924.
	Mr. W. A. Cosgrave ..	Deputy Commissioner ..	20th November 1924 to 4th December 1925.
Burma ..	Mr. J. Hezlett ..	Commissioner	4th December 1925 to 13th September 1926.
	Lieutenant-Colonel F. O. Owens.	Deputy Commissioner ..	8th January 1924 to 12th 12th April 1924.
	Mr. J. L. McCallum ..	Ditto ..	5th January 1925 to 10th August 1925.
	Lieutenant-Colonel F. C. Owens.	Ditto ..	12th December 1925 to 13th September 1926.
THIRD ASSEMBLY.			
Madras ..	Mr. F. B. Evans ..	Second Secretary to Government.	4th January 1927 to 4th February 1927.
	Sir George F. Paddison	Commissioner of Labour	4th February 1927 to 4th August 1927.
	Mr. R. H. Courtenay ..	District and Sessions Judge.	4th August 1927 to 17th May 1928.
	Khan Bahadur Mu- hammad Bazlullah Sahib Bahadur.	Collector and District Magistrate.	20th August 1928 to 30th August 1928.
	Mr. E. H. M. Bower ..	Inspector General of Registration.	30th August 1928 to
	Dewan Bahadur T. Raghavayya Pantulu Garu.	Collector and District Magistrate.	4th January 1927 to 18th January 1927.

Province.	Name of Member.	Designation.	Year.	
Madras—contd.	Mr. R. Littlehailes ..	THIRD ASSEMBLY—contd. Director of Public Instruction.	18th January 1927 to 2nd February 1927.	
	Rao Bahadur Narasimha Gopalswami Ayyangar.	Collector and District Magistrate.	3rd February 1927 to 4th January 1928.	
	Mr. V. Panduranga Rao	District and Sessions Judge.	4th January 1928 to 1st June 1928.	
	Dewan Bahadur T. Raghavayya Pantulu Garu.	Collector and District Magistrate.	20th August 1928 to 9th January 1929.	
	Mr. V. Panduranga Rao.	District and Sessions Judge.	9th January 1929 to 24th August 1929.	
	Mr. A. Upendra Pai ..	Collector and District Magistrate.	24th August 1929 to	
	Bombay ..	Mr. F. W. Allison ..	Judge and Sessions Judge.	23rd December 1926 to 4th July 1927.
		Mr. R. T. F. Kirk ..	Sessions Judge and Judge	14th July 1927 to 26th November 1927.
		Mr. F. W. Allison ..	Judge and Sessions Judge	26th November 1927 to 29th May 1928.
		Mr. R. G. Gordon ..	Collector	12th July 1928 to 13th August 1928.
Mr. M. Webb ..		Do.	13th August 1928 to 27th July 1929.	
Mr. S. H. Covernton ..		Collector and District Magistrate.	27th July 1929 to	
Mr. P. B. Haig ..		Ditto. ..	23rd December 1926 to 14th July 1927.	
Mr. P. B. Haig ..		Ditto ..	11th August 1927 to 6th December 1927.	
Mr. R. Gowan Taylor		Ditto ..	6th December 1927 to 13th July 1928.	
Mr. Sorab Manekshah Bharucha.		Officiating Secretary to Government.	12th July 1928 to 8th January 1929.	
Bengal ..	Mr. F. W. Allison ..	Judge and Sessions Judge	8th January 1929 to 27th July 1929.	
	Mr. V. M. Ferrers ..	Ditto.	27th July 1929 to	
	Mr. J. T. Donovan ..	Magistrate and Collector.	12th January 1927 to 17th January 1928.	
	Mr. Satyandra Nath Roy.	District Magistrate ..	8th February 1928 to 7th November 1928.	
	Mr. J. C. French ..	Collector	4th January 1929 to	
	K. B. Nasiruddin Ahmad.	Deputy Magistrate and Collector ..	12th January 1927 to 8th November 1928.	
	Rai Ama Krishna Mukherjee Bahadur.	Ditto	14th January 1929 to	
	United Provinces.	Mr. M. Keane ..	Commissioner	23rd December 1926 to 26th March 1928.
		Mr. C. Moss King ..	District and Sessions Judge.	16th August 1928 to 17th January 1929.
	Punjab ..	Mr. M. Keane ..	Commissioner	17th January 1929 to
K. B. Mian Abdul Aziz		Deputy Commissioner and Settlement Officer.	12th January 1927 to 11th August 1927.	
Bihar and Orissa.	Mr. Miles Irving ..	Commissioner	11th August 1927 to 22nd December 1927.	
	K. B. Mian Abdul Aziz	Deputy Commissioner ..	22nd December 1927 to	
	Rai Bahadur Shyam Narayan Singh.	Deputy Magistrate and Deputy Collector.	12th January 1927 to 19th January 1928.	
	Rai Bahadur Bhuban Mohan Chatterji.	Deputy Magistrate and Collector.	19th January 1928 to 12th July 1928.	
	Rai Bahadur Syham Narayan Singh.	Deputy Magistrate and Deputy Collector.	12th July 1928 to	

Provision.	Name of Member.	Designation.	Year.
THIRD ASSEMBLY— <i>conclid.</i>			
Central Provinces.	Mr. H. C. Greenfield ..	Deputy Commissioner ..	12th January 1927 to 9th August 1927.
	Mr. R. M. Crofton ..	Ditto ..	9th August 1927 to 19th January 1928.
	Mr. C. J. Irwin ..	Ditto ..	10th February 1928 to 3rd September 1928.
	Mr. Ghazanfar Ali Khan.	Commissioner ..	3rd September 1928 to
Assam ..	Mr. J. Hezlett ..	Do. ..	12th January 1927 to 16th May 1927.
	Mr. W. A. Cochrane ..	Deputy Commissioner ..	16th May 1927 to 24th March 1928.
	Mr. J. Hezlett ..	Commissioner ..	16th May 1928 to 20th December 1928.
Burma ..	Mr. W. A. Cochrane ..	Deputy Commissioner ..	20th December 1928 to 23rd December 1928
	Mr. H. Tonkinson ..	Ditto. ..	10th January 1928. to 10th January 1928.
	Mr. T. Couper.	Financial Commissioner	10th January 1928 to 30th June 1928.
	Mr. J. A. Stewart ..	Deputy Commissioner ..	16th August 1928 to 24th December 1928.
	Mr. H. L. Stevenson ..	Commissioner ..	9th January 1929 to 2nd April 1929 and 24th August 1929 to

RESULT OF THE INQUIRY INTO THE FIRE IN THE OFFICE OF THE EXECUTIVE ENGINEER OF THE KANGRA VALLEY RAILWAY AT PALAMPUR.

202. ***Mr. Abdul Haya** : (a) Is it a fact that the office of the Executive Engineer of the Kangra Valley Railway at Palampur was destroyed by fire, and that the records of construction of the said Railway were burnt ?

(b) Is it a fact that Government suspected foul play and instituted an inquiry into the causes and circumstances which led to this fire ? If so, will Government please state what the result of this inquiry was, and also lay on the table all the papers relating to this inquiry ?

Mr. P. B. Rau : Government have received no information, but are inquiring into the matter.

COST OF CONSTRUCTION OF THE KANGRA VALLEY RAILWAY.

203. ***Mr. Abdul Haya** : (1) Is it a fact that the original estimate of the construction of the Kangra Valley Railway was Rs. 1,34,00,000 ?

(2) When and by whom was this original estimate prepared ?

(3) On what date was the construction work of this Railway started ?

(4) Is it a fact that subsequently on the representation of the Agent, North Western Railway, this estimate was revised and it was raised to Rs. 2,17,46,000 ?

(5) Is it a fact that even this revised estimate has been exceeded and the total cost of the construction of this Railway is likely to exceed three crores of rupees ?

(6) What was the object which Government had in view when the construction of this Railway was taken in hand ?

(7) Will Government please make a full statement regarding the financial aspect of this project, stating the rate at which this Railway is at present yielding profit ?

(8) Is it a fact that in spite of the guarantees given by the Punjab Government, Government are sustaining a severe loss annually which amounts to lakhs of rupees ?

(9) If the answer to part (8) be in the affirmative, will Government please state what steps they have taken or propose to take to prevent such a drain on the Central Revenues ?

The Honourable Sir George Rainy : (1) Yes.

(2) The estimate was prepared by the North Western Railway Administration in 1925.

(3) About May 1926.

(4) and (5). Yes.

(6) The object was primarily the provision of railway communication in the Kangra Valley. The introduction of railways in this area in order to open out the rich Kulu and Kangra Valleys had been under consideration for a long time, but matters were brought to a head by the proposals of the Punjab Government, early in 1925, to construct a tramway in connection with their Uhl Hydro-electric Scheme as a necessary means of transporting heavy plant and machinery to the headworks, and subsequently to sanction a line of communication between the Kangra Valley and the plains of the Punjab. Discussions with the Local Government showed that the tramway, which was in course of being designed by them, would undoubtedly be a source of embarrassment in the future, and it was, therefore, decided to construct a narrow gauge railway with a guarantee from the Local Government.

(7), (8) and (9). The Railway was only opened to traffic in April last, and it is impossible at present to say what return can be expected. It is understood that the traffic carried in the first two months shows promise that the earnings may prove better than was originally anticipated and the loss may not be as great as would appear from the large excess in the cost of construction over the original estimate.

ERECTION BY THE MILITARY DEPARTMENT OF A NEW ARSENAL AT LAHORE.

204. *Sardar Kartar Singh : (1) Is it a fact that the erection of a new arsenal in Lahore has been decided upon by the Military Department at a big cost and a site has already been selected for the same, and that the present arsenal at Ferozepore—which has been equipped at a very heavy cost—is to be reduced to a depot ?

(2) If this be true, will Government be pleased to state the approximate cost estimated for the above and the reason or reasons for undertaking this new work ? Is it a fact that the existing arsenal at Ferozepore

has for years rendered service during all the Frontier expeditions that took place in the last fifty years or more and in the last World War ?

(3) Are Government aware of the fact that the strategical position of Ferozepore has been admitted to be more important than that of Lahore, and the former considered more healthy than Lahore, and that Lahore was a few years back condemned as being unhealthy by a Military Medical Board ?

(4) If the Ferozepore arsenal be considered not up to date scientifically, do Government propose to make it so ?

Mr. G. R. F. Tottenham : The answer to the first part of the question is in the negative and the remaining parts do not therefore arise. Ferozepore arsenal will continue to be used to its full capacity.

Sardar Kartar Singh : Is there any proposal that an arsenal should be constructed at Lahore at a cost of Rs. 10 crores ?

Mr. G. R. F. Tottenham : No, Sir.

FILLING UP OF THE POST OF DEPUTY SECRETARY OF THE LEGISLATIVE ASSEMBLY DEPARTMENT.

205. ***Maulvi Muhammad Yakub :** (a) Will Government be pleased to state when the sanctioned post of Deputy Secretary of the Legislative Assembly Department will be filled up ?

(b) Is the appointment being delayed pending the framing of the Rules by the Secretary of State for India ? Why is this vacancy being held up when other appointments in the Department of the Legislative Assembly have already been made in anticipation of the Rules ? Is it anticipated that the Secretary of State for India will not sanction the post of a Deputy Secretary for the Department of the Legislative Assembly ?

The Honourable Sir James Crerar : (a) The rules governing the appointment were published in the Government of India Gazette of the 31st August. Steps will now be taken to have the appointment made.

(b) The delay has been due to the cause suggested. The answer to the second part of the question is that the first appointment of Secretary and Assistant Secretary could be made on a temporary basis because the first appointments to those posts are not required by the rules to be made from among persons recommended by the Public Service Commission. The first appointment of Deputy Secretary, on the other hand, is required to be made from among persons recommended by the Public Service Commission, and before this procedure could be followed, it was necessary that the conditions of service should be expressly laid down by the Secretary of State in Council by rule made under section 96-B of the Government of India Act.

The answer to the third part of the question is in the negative. The post has already been sanctioned.

DUTIES, STATUS AND FUNCTIONS OF THE DEPUTY SECRETARY AND SECRETARY OF THE LEGISLATIVE ASSEMBLY DEPARTMENT.

206. ***Maulvi Muhammad Yakub :** (a) What will be the duties, functions and status of the Deputy Secretary of the Legislative Assembly

Department ? Will he have the same status and position as the Deputy Secretaries of other Departments of the Government of India ? If not, why not ?

(b) What are the duties, functions and status of the Secretary of the Legislative Assembly Department ?

The Honourable Sir James Orerar : (a) In the despatch of the Government of India in the Legislative Department, No. 2 of 1928, a copy of which was laid on the table of this House on the 17th September, 1928, the duties of the Deputy Secretary of the Legislative Assembly Department were described as follows :

“ The principal duties of the Deputy Secretary will be to dispose of such work as the Secretary delegates to him and to be available to assist the President when the Secretary is engaged at the table or otherwise preoccupied, and lastly to take the place of the Secretary when the Secretary is engaged on work on behalf of the President or for any other reason is not in a position to sit at the table.”

The status of the Deputy Secretary of the Legislative Assembly Department, as compared with that of the other Deputy Secretaries to the Government of India, will now be taken up.

(b) As regards the duties and functions of the Secretary of the Legislative Assembly Department, the Honourable Member is referred primarily to the Indian Legislative Rules and the Standing Orders of the Legislative Assembly. In addition to the duties expressly laid upon him by those Rules and Standing Orders, the Secretary is in charge of the establishment of the Legislative Assembly Department. The question of the status of the Secretary of the Legislative Assembly Department as compared with that of other Secretaries to the Government of India will now be taken up.

RECRUITMENT OF MINISTERIAL ESTABLISHMENT THROUGH THE PUBLIC SERVICE COMMISSION.

207. ***Maulvi Muhammad Yakub :** (a) Is it a fact that recruitment for the ministerial establishment in all the Departments is made through the Public Service Commission ?

(b) Yes. There are a few exceptions.

(c) Has any deviation from this practice been made in any of the Departments ? If so, what was the justification for such an action ?

The Honourable Sir James Orerar : (a) Yes. This is the usual practice.

(b) Yes. There are a few exceptions.

(c) Such exceptions have been allowed by reason of the special or technical nature of the work involved.

MUSSALMAN ACCOUNTANTS IN THE OFFICE OF THE CONTROLLER OF RAILWAY ACCOUNTS.

208. ***Maulvi Muhammad Yakub :** What is the total strength of the Accountants in the Office of the Controller of Railway Accounts, and how many of them are Mussalmans ? Why is it that no junior Muslim Accountants have been appointed ?

Mr. P. E. Rau : The total number of Accountants in the office of the Controller of Railway Accounts is seven. At present none of them is a

Mussalman. I am afraid it is impossible for each individual office, and a small one at that, to be recruited on communal lines.

Maulvi Muhammad Yakub : Will the Honourable Member repeat his answer ? I could not hear him.

Mr. P. B. Rau : The total number of Accountants in the office of the Controller of Railway Accounts is seven. At present none of them is a Mussalman. I am afraid it is impossible for each individual office, and a small one at that, to be recruited on communal lines.

Maulvi Muhammad Yakub : Is there any Mussalman officer in the whole of the Railway Board ?

Mr. P. B. Rau : Yes, Sir, there is one.

Maulvi Muhammad Yakub : When was he appointed ?

Mr. P. B. Rau : To the best of my recollection, about three years ago.

Maulvi Muhammad Yakub : What is the total number of all the officers ?

Mr. P. B. Rau : I cannot reply to that off-hand.

Sardar Kartar Singh : How many of them are Sikhs ?

Mr. Gaya Prasad Singh : And how many of them are Rajputs ?

INDIANS HOLDING POSTS OF OFFICER SUPERVISORS IN THE ARMY HEADQUARTERS.

209. ***Maulvi Muhammad Yakub** : What is the total strength of the permanent Officer Supervisors in the Army Headquarters and how many of them are Indians ? What are the rules regulating promotion and appointment to this post ?

Mr. G. R. F. Tottenham : There are at present 17, of whom one is an Indian.

The appointments are made entirely by selection and not by seniority.

Maulvi Muhammad Yakub : Is it not a fact that two of these posts are reserved for Indians ?

Mr. G. R. F. Tottenham : Not that I am aware of.

Lieut.-Colonel H. A. J. Gidney : Is it not a fact that when a soldier clerk is appointed as an Officer Supervisor in the Army Headquarters, he is given the rank of a Major, irrespective of his length of service or previous grade ?

Mr. G. R. F. Tottenham : I do not think that question arises out of the answer that I have given.

APPOINTMENT OF AN INDIAN AS CIVIL SURGEON OF SIMLA OR DELHI.

210. ***Maulvi Muhammad Yakub** : Is it a fact that no senior Indian medical officer has ever been posted as Civil Surgeon either at Delhi or at Simla ? If not, why not ?

Sir Frank Noyce : The answer to the first part of the question is in the affirmative. It will be observed from the Annexure to the Press

communiqué, dated the 10th May, 1928, a copy of which has been placed in the Library of the House, that both the civil surgeoncies in Simla and one of the two civil surgeoncies in Delhi are reserved for European officers of the Indian Medical Service. In filling the remaining civil surgeoncy in Delhi, the claims of Indian officers of the Indian Medical Service are and will continue to be given due consideration.

RECRUITMENT IN THE INDIAN STORES DEPARTMENT.

211. *Mr. S. C. Mitra : (a) Will Government be pleased to state the name of the Chief Superintendent of the Indian Stores Department ?

(b) Will they be pleased to state the percentage of Punjabis that are now employed in that Office ?

(c) Are Government aware that the Chief Superintendent refuses to entertain men of the other provinces ? If not, do Government propose to inquire into the matter ?

The Honourable Sir Bhupendra Nath Mitra : (a) The name of the permanent incumbent of the post of Chief Superintendent of the office of the Chief Controller of Stores is Rai Sahib Kirpa Ram.

(b) I understand that the Honourable Member desires to know the percentage of Punjabis in the clerical establishment of the Office of the Chief Controller of Stores, Indian Stores Department. The percentage is 49.

(c) No. The Chief Superintendent has no authority to reject the applications of any individual for appointment to a post in the Indian Stores Department. The second part of the question therefore does not arise.

Mr. Gaya Prasad Singh : How many of them are Biharis ? (Laughter.)

The Honourable Sir Bhupendra Nath Mitra : I shall require notice of that question.

DEPARTMENTAL QUALIFYING EXAMINATION OF THE PUBLIC SERVICE COMMISSION.

212. *Mr. S. C. Mitra : (a) Is it a fact that the personnel of the late Army Canteen Board have been permitted to sit in the next Departmental Qualifying Examination of the Public Service Commission ?

(b) If so, by whom and under what rules and for what reasons ?

(c) Are they treated as departmental candidates ? If so, how ?

(d) Is it a fact that the retrenched men of other Departments and Offices, such as that of the Master General of Supplies and other Branches of the Army Headquarters, who served as temporary clerks for about the same period, have not been permitted to sit for the same ? If so, why ?

(e) Do Government propose to extend the privilege to the men mentioned in part (d) above ? If not, why not ?

(f) How many retrenched men of other Departments are allowed to sit for the next departmental examination ? If none, why ?

(g) How many applications from the retrenched men of the Government of India for permission to sit in the said examination have been received by the Public Service Commission, and what action have the Public Service Commission taken on them so far ?

(h) Will Government be pleased to state the names of the applicants who were not allowed to sit for the examination and the reasons in each case ?

The Honourable Sir James Crerar : (a), (b) and (c). I would refer the Honourable Member to the very full reply given by the Army Secretary to starred question No. 191 on the 14th February, 1928.

(d) and (e). Temporary men who served in the Branches of the Army Headquarters named and have since been discharged are not being permitted to sit for the next examination as it is a qualifying examination for purposes of departmental promotion for departmental men only.

(f), (g) and (h). The Public Service Commission have not received any application from retrenched men of other Departments to be allowed to sit for the examination. They are not aware that there are any.

EXTENSION TO DEPARTMENTS OTHER THAN THE MEDAL SECTION, ARMY DEPARTMENT, OF THE PRIVILEGE OF SITTING FOR THE DEPARTMENTAL EXAMINATION OF THE PUBLIC SERVICE COMMISSION.

213. ***Mr. S. C. Mitra :** (a) Is it a fact that the men of the Medal Section of the Army Department are being permitted to sit in the Departmental Examination of the Public Service Commission without any restriction of age limit or educational qualifications ?

(b) Is it a fact that this privilege has been denied to men of all other Departments of the Government of India Secretariat ? If so, will Government be pleased to state the reasons for this preferential treatment ?

(c) Is it a fact that there are men in other Departments who are age-barred, but who are willing to sit for the examination ?

(d) Are Government aware of any such cases ? If not, do they propose to inquire from the different Departments and offices of the Government of India whether there are any such cases, and if there are any, do they propose to extend the same privilege to them ? If not, why not ?

The Honourable Sir James Crerar : (a) It was decided to allow eleven clerks of the Medal Section of the Army Department to enter for one more qualifying examination, without insisting on the ordinary conditions as to age and educational qualifications.

(b) The clerks of the Medal Section were given special consideration because they had been serving in a temporary capacity for many years when the Section was located in Calcutta and had had no opportunity of appearing at the earlier examinations of the Staff Selection Board.

(c) and (d). There are probably such cases, but Government do not propose to take the action suggested by the Honourable Member, as they are not satisfied that there are sufficient reasons for exceptional treatment in other cases.

PROVISION BY THE PUBLIC SERVICE COMMISSION OF PERMANENT APPOINTMENTS TO ALL PASSED CANDIDATES.

214. *Mr. S. C. Mitra : (a) Have the Public Service Commission provided all passed candidates with permanent appointments ? If not, why not ?

(b) Is it a fact that a good many passed candidates have become age-barred ?

The Honourable Sir James Crerar : (a) No. Passed candidates can only be provided with permanent appointments when vacancies occur.

(b) Yes.

RECRUITMENT OF THE STAFF OF THE OFFICE OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH THROUGH THE PUBLIC SERVICE COMMISSION.

215. *Mr. S. C. Mitra : (a) Is it a fact that the Imperial Council of Agricultural Research are going to recruit a good many clerks, typists, etc. ?

(b) If so, do Government propose to bring that office under the Public Service Commission ? If not, why not ?

Sir Frank Noyce : (a) The number of clerks and typists recruited by the Imperial Council of Agricultural Research up-to-date is 11.

(b) The matter is under consideration.

APPRENTICES EMPLOYED IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

216. *Mr. S. C. Mitra : (a) Are there any apprentices entertained in the Government of India Departments ? If so, in what Departments ?

(b) Will Government be pleased to furnish the House with a list of the apprentices, if any, with their names ?

(c) Is it a fact that there are apprentices in the Finance Department and in the Foreign and Political Departments ? If so, under what rules ?

(d) Is it a fact that such men are, after a certain period, always provided with some sort of temporary appointment in preference to passed candidates of the late Staff Selection Board and the present Public Service Commission ?

The Honourable Sir James Crerar : (a), (b) and (c). Two apprentices were employed in the Foreign and Political Department, one in the Finance Department, and one in the Home Department for short periods this year. They are not now employed. There are no definite orders against the employment of apprentices, but the practice is to allow it only in very rare cases.

(d) The reply is in the negative.

APPOINTMENT IN THE FIRST DIVISION IN THE FINANCE DEPARTMENT OF TWO UNQUALIFIED CANDIDATES.

217. *Mr. S. C. Mitra : (a) Is it a fact that two men who were only qualified for the second division were recruited in the first division in the Finance Department about two years ago ?

(b) Is it a fact that these two men were recruited in preference to other applicants who were passed candidates ?

(c) Is it a fact that these men were recruited subject to passing the first division examination ? If so, were they sent up for the Public Service Commission examination for passing the first division test ? If not, why not ?

(d) Is it a fact that these two men have been confirmed in the first division in the Finance Department without passing the said examination ? If so, why ?

The Honourable Sir George Schuster : (a) and (b). I would invite the Honourable Member's attention to part (a) of the reply given by Sir Basil Blackett on the 21st March, 1927, to a similar question by Mr. Jamnadas M. Mehta regarding these same two appointments.

(c) The men were recruited subject to their passing the First Division examination ; but they were not sent up for that examination because the Public Service Commission declared them to be qualified to be appointed to that Division without passing that examination.

(d) The men were confirmed in the First Division of the Finance Department without passing the First Division examination, for the reason stated in my answer to part (c).

RECRUITMENT OF THE STAFF OF THE RAILWAY DEPARTMENT THROUGH THE PUBLIC SERVICE COMMISSION.

218. ***Mr. S. C. Mitra :** (a) Is it a fact that recruitment to all the Departments of the Government of India Secretariat is done through the Public Service Commission ?

(b) Is it a fact that the Railway Department is treated as a Department of the Government of India Secretariat ?

(c) Is it a fact that the recruitment to the Railway Board is done independently of the Public Service Commission ? If so, why ?

(d) Is it a fact that several men who had failed at the first division examination of the late Staff Selection Board for a number of times were confirmed in the first division under the Railway Department ?

(e) Do Government propose to hand over the recruitment of the Railway Department of the Government of India and all its attached offices to the Public Service Commission ? If not, why not ?

Mr. P. B. Rau : (a) I would refer the Honourable Member to the reply just given by the Honourable the Home Member to question No. 207.

(b) Yes.

(c) The Railway Board has been allowed to recruit qualified staff from railways as well as for special reasons from the Accounts and Finance Departments for work of a special nature.

(d) Four men have been confirmed who failed to pass the Staff Selection Board examination for the first division.

(e) The Honourable Member is referred to Mr. Parsons' remarks in the budget debate in this House on the 26th February last, in which he

gave an undertaking that as regards appointments of a purely clerical, as distinct from a technical nature, they would in future be filled, as are appointments in other Secretariat Departments, through the Public Service Commission.

NAMES AND EXPERIENCE OF MEN RECRUITED TO THE OFFICE OF THE CONTRACT DIRECTORATE OF ARMY HEADQUARTERS.

219. ***Mr. S. C. Mitra** : (a) Will Government be pleased to state the number of men with commercial experience recruited in the Office of the Contract Directorate of the Army Headquarters during the last two years ?

(b) Will Government be pleased to state the names of each of such men with commercial experience, together with the period of such experience and the line in which they had such experience in each case before their recruitment ?

Mr. G. B. F. Tottenham : (a) Six.

(b) Government are not prepared to disclose the names and qualifications of the individuals concerned who are still in their service.

RECRUITMENT IN THE OFFICE OF THE CONTRACT DIRECTORATE, ARMY HEADQUARTERS.

220. ***Mr. S. C. Mitra** : (a) Is it a fact that a number of men without commercial experience have been recruited in the Office of the Contract Directorate of the Army Headquarters since January 1929 ?

(b) If so, what is the total number of such men and why were they so recruited ?

Mr. G. B. F. Tottenham : (a) Yes.

(b) Five. They were recruited in temporary vacancies in the most junior grade, and possessed qualifications which rendered it probable that they could assimilate the necessary training in the office itself.

METHOD OF RECRUITMENT OF THE STAFFS OF COMMISSIONS AND COMMITTEES.

221. ***Mr. S. C. Mitra** : (a) Is it a fact that Commissions and Committees generally recruit their staff from the permanent hands of the Departments of the Government of India ?

(b) Are experienced men from outside who served Government for at least one year entertained ? If not, why not ?

(c) Have Government ever inquired whether they can get experienced men from outside on less pay ?

The Honourable Sir James Crerar : (a) and (b). As is suggested in the Honourable Member's question, Commissions and Committees choose their own staffs, and while no doubt they find it an advantage to select for appointment men from the Departments of the Government of India, who have previous acquaintance with the subject under inquiry, or experience of similar inquiries, I have no reason to suppose that experienced men from outside who apply are excluded from consideration.

(c) The question does not arise.

ALLOTMENT AND CLASSIFICATION OF GOVERNMENT QUARTERS IN SIMLA.

222. *Mr. S. C. Mitra : (a) Is it a fact that the men who elected the new rates of house rent are entitled to have preference over those who elected old rates of house rent in the matter of allotment of Government quarters ?

(b) Is it a fact that, on the 16th January, 1923, as the result of a question by Rai Bahadur L. P. Sinha, the classification of the New Delhi quarters was changed from Indian and European to orthodox and unorthodox ?

(c) Is it a fact that Government quarters in Simla are still classified as European and Indian ? If so, will Government be pleased to state why this racial discrimination in matters of allotment of quarters is still being retained in the Government of India ?

(d) Is it a fact that the New Delhi quarters and the Simla quarters are under one and the same Superintending Engineer ?

(e) If so, why did he not take any action in doing away with this racial discrimination ?

(f) Do Government propose to do away with this racial discrimination forthwith ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes at Simla, but no at Delhi.

(b) No. (The New Delhi building scheme made no distinction of the nature alluded to at the time a reply was given to the question referred to in the question.)

(c) Yes. The main reason for the classification of quarters as European and Indian in Simla is that, by far the greater number of clerks' quarters are built in blocks of tenements. This is necessitated by the geographical conditions in Simla, and it has never been considered advisable to have Indians and Europeans mixed up in the same blocks. The Indian clerks' quarters cannot be said to be either orthodox or unorthodox. They are suitable for use by both classes, and as far as Government are aware, no desire has hitherto been expressed by either community that the present condition should be changed. On the contrary, it is believed that both prefer the existing classification to continue.

(d) No.

(e) Does not arise.

(f) The Honourable Member is referred to the reply given by me to part (c) of the question.

ALLEGED RACIAL DISCRIMINATION IN THE ALLOTMENT OF GOVERNMENT QUARTERS.

223. *Mr. S. C. Mitra : (a) Is it a fact that there are a good many Government quarters which are at a distance of only a few minutes' walk from the Secretariat which have been reserved for Europeans and Anglo-Indians ?

(b) Is it a fact that, to give preference to Europeans, the classification has not so far been changed into orthodox and unorthodox ?

(c) If not, why has the racial preference been so long maintained ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes. There are 44 quarters at Kaithu, Simla, which are classed as European clerks' quarters.

(b) and (c). The Honourable Member is referred to the reply given by me to part (c) of question No. 222.

NAMES OF MEN IN THE SECRETARIAT GIVEN THE OPTION OF REVERTING TO OLD RATES OF HOUSE RENT.

224. ***Mr. S. C. Mitra :** (a) Is it a fact that the final and ultimate selection of the old rates of house rent and the new rates of house rent by men of the Secretariat was made some years ago ? Since then in how many cases was option given to men to revert to old rates ?

(b) What are the names of those who were given such option after the said final selection ?

The Honourable Sir James Orerar : (a) The reply to the first part is in the affirmative. As to the second part, two men were allowed to revert to the old rules, on medical grounds.

(b) I am sending the information to the Honourable Member.

MEMORIAL FOR MORE PAY BY THE STAFF OF CIVIL OFFICES OF THE ARCHAEOLOGICAL DEPARTMENT.

225. ***Kumar Ganganand Sinha :** (a) Will Government be pleased to state whether the memorial submitted by the ministerial establishment attached to the Circle Offices of the Archaeological Department in October 1928 through their Director General for the revision of their scales of pay has been received by Government ?

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

Sir Frank Noyce : (a) The only memorials which Government have received were from the ministerial establishment of the Superintendent, Archaeological Survey, Eastern Circle.

(b) The memorials have been rejected.

REJECTION OF APPLICATIONS FROM THE STUDENTS OF THE KING EDWARD COLLEGE, AMRAOTI, FOR ADMISSION TO THE NAGPUR UNIVERSITY TRAINING CORPS.

226. ***Mr. M. S. Aney :** (a) Will Government be pleased to state whether applications for admission to the Nagpur University Training Corps from the students of the King Edward College, Amraoti (Berar), were rejected ? If so, what were the reasons for the same ?

(b) Will Government be pleased to say whether they have received any communication from the Government of the Central Provinces in regard to this matter ?

Mr. G. R. F. Tottenham : (a) and (b). Government have received a communication from the Local Government, recommending that students of the college should be allowed to enrol in the Nagpur University Training Corps. It is impossible to accept this recommendation at present, because the enrolment of subjects of Indian States who continue to reside in the territories of their respective States, is not permissible under the Indian Territorial Force Act. A Bill to amend this Act is,

however, being introduced this Session in another place, and is intended to make such enrolment possible under certain circumstances.

Dr. B. S. Moonje : Is it or is it not a fact that subjects of Native States are at present enlisted in the Territorial Force ?

Mr. G. R. F. Tottenham : Certain numbers have been enlisted under a misapprehension of the law. That is why the law is being amended.

ADMISSION OF STUDENTS AND CITIZENS OF BERAR TO THE TERRITORIAL AND AUXILIARY FORCES.

227. *Mr. M. S. Aney : Will Government be pleased to state whether they propose to introduce, in the current session of the Legislative Assembly, any Bill to amend the Territorial Forces Act and the Auxiliary Forces Act, with a view to render the students as well as citizens residing in Berar eligible for admission to the membership of the Territorial and Auxiliary Forces ?

Mr. G. R. F. Tottenham : The Honourable Member is referred to the answer I have just given to the preceding question, so far as the Indian Territorial Force Act is concerned. There is no intention at present to amend the Auxiliary Force Act, 1920. That Act imposes no restriction on the enrolment of residents in Berar, as such, but does not permit the enrolment of any person, wherever resident, who is not a European British subject or a British subject of European descent in the male line.

ADDITIONAL SECURITY REQUIRED FROM SHROFFS IN THE CURRENCY OFFICE, BOMBAY.

228. *Mr. M. S. Aney : (a) With reference to the reply to my starred question No. 700 (c), sent to me on the 28th February, 1929, will Government be pleased to state whether they propose to make inquiries from the Currency Office, Bombay, to find out whether the shroffs in the Bombay office were or were not required to deposit additional security over and above the insurance security required by the Code ?

(b) Will Government be pleased to state whether they propose to instruct the Currency Officer, Bombay, to refund the amount of all deposits of additional security, if such an inquiry discloses that the shroffs were required to make these deposits ?

The Honourable Sir George Schuster : Inquiry is being made, and a reply will be sent to the Honourable Member in due course.

GRANT OF A PROVIDENT FUND TO THE STAFF OF THE CURRENCY OFFICE, BOMBAY.

229. *Mr. M. S. Aney : With reference to the reply given to starred question No. 380, put by Mr. Fazal Ibrahim Rahimtulla on the 4th February, 1929, and to my starred question No. 698 (a) and (b) on the 23rd February, 1929, relating to the final decision as regards Provident Fund system applied to the Currency Office staff, will Government be pleased to state what action has since been taken and when they are likely to notify their final decision ?

The Honourable Sir George Schuster : The Government of India propose to institute a contributory Provident Fund, on the usual terms, for the non-pensionable employees in the Treasurers' Departments of the Currency Offices. The proposal is being placed before the Standing Finance Committee, which is now sitting and, if the Committee approves, it will then be placed before the Currency Association. I hope that it will be possible to issue final orders before the beginning of the next financial year.

PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

Secretary of the Assembly : Sir, under Standing Order 78, I have to report that thirty-four petitions, as per statement laid on the table, have been received relating to the Bill to regulate marriages of children amongst the Hindus which was introduced in the Legislative Assembly on the 1st February, 1927, by Rai Sahib Harbilas Sarada.

Number of signatories.	District or Town.	Province.
30	Nadia	Bengal.
288	Bengal.
49	Jessore	Bengal.
74	Bengal.
5	Howrah	Bengal.
188	Pabna	Bengal.
347	Howrah	Bengal.
246	Cooch-Behar	Bengal.
32	Rajshahi	Bengal.
46	Rajshahi	Bengal.
178	Rajshahi	Bengal.
212	Bengal.
28	Dacca	Bengal.
83	Bengal.
161	Rajshahi	Bengal.
36	Calcutta	Bengal.
85	Bankura	Bengal.
85	Hooghli	Bengal.
72	Barisal	Bengal.
182	Tippera	Bengal.
313	Murahidabad	Bengal.
99	Assam.
120	Faridpur	Bengal.
80	Dacca	Bengal.
241	Sylhet	Assam.
456	Bengal.
68	Sylhet	Assam.
58	Bengal.
151	Tippera	Bengal.
162	Sylhet	Assam.
58	Sylhet	Assam.
84	Sylhet	Assam.
98	Sylhet	Assam.
20	Bengal.

STATEMENT OF BUSINESS.

The Honourable Sir James Crerar (Leader of the House) : Sir, I desire, with your permission, to make a statement regarding the probable course of official business during the week beginning September the 9th. For Monday and Tuesday, the 9th and 10th, a joint list has been prepared consisting exclusively of legislation. Motions will be made :

To take into consideration and pass the Bill further to amend the Calcutta Pilots Act, 1859, and the Indian Ports Act, 1908, and the Bill to amend the Indian Boilers Act, 1923 ;

For the circulation of the Bill to amend the Negotiable Instruments Act, 1881, by the insertion of a new section 85-A ;

To refer to Select Committee the Indian Income-tax Act (Amendment) Bill (Provident Funds Relief) and the Indian Income-tax (Amendment) Bill ;

To take into consideration and pass the Indian Census Bill ;

To refer to Select Committee the Indian Railways Act (Amendment) Bill ;

To take into consideration and pass the Soft Coke Cess Bill and the Cantonments House Accommodation Bill ;

To refer to Select Committee the Bill to define and amend the law relating to the sale of goods and the supplementary Bill in connection therewith to amend section 178 of the Indian Contract Act, 1872 ;

To re-commit to Select Committee the Indian Income-tax Act (Bogus Companies) (Amendment) Bill ;

To refer to Select Committee the Bill to amend the Negotiable Instruments Act, 1881 (sections 13, 16, 35, etc.), and the Dangerous Drugs Bill.

On Wednesday, the 11th, any business left over from the 10th will be taken first, and thereafter motions will be made to take into consideration and pass the Bill to amend the Transfer of Property Act, 1882 and the supplementary Bill in the same connection.

On Thursday, the 12th, will be taken any business left over from the 11th.

 THE HINDU CHILD MARRIAGE BILL.

Mr. President : The House will now resume further consideration of the following motion :

“ That the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be taken into consideration ”.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadian, Rural) : Sir, I wish to give a definite vote for the original motion and therefore I do not like to give a silent vote. It is better to be despised for the views I express on the floor of the House than be misunderstood on the floor of the House as well as outside by giving a silent vote. I will straight away say that I wish to support the original motion that

the Bill be taken into consideration (applause). I must say, at the same time, that I do not support the Bill exactly as it stands, because I have myself put in a number of amendments to amend the Bill. I may say in general that the Bill may not be acceptable to me if most of those amendments, which are in my opinion very reasonable, are not carried out by this House. But the point at this stage is that the amendments cannot be reached if the original motion is rejected; and for the sake of those who want the Bill as it is as well as for the sake of those who want an amended Bill, the original motion must be passed and the Bill should be proceeded with. I will simply say this, give the Bill a chance. That reminds me of a very wise caution board put up by the side of a lawn in England by a thoughtful gardener. On that board, he did not say, "Don't trample upon the grass"; but he said, "Give the grass a chance to grow". Applying the same wording to this Bill, I will not say, do not trample upon the Bill, for I know even the opponents of the Bill do not want to trample upon it ruthlessly or unnecessarily; I will simply ask them to give the Bill a chance, a fair chance. That is all I am asking. Again I must say that if when that chance is given—I do not say this as a threat—I must express my sincere conviction, if none of the amendments which I consider reasonable are carried out, and if by the sheer force of majority the Bill is taken right up to the end without any of these reasonable modifications being made, then, I shall not say what I will do, but I shall say that I will reserve the right to do what I like best under the circumstances. (Laughter.)

Mr. President : He has always the right to reserve.

Mr. N. O. Kelkar : This is a very serious and even a very solemn occasion at least for a man in my position, and I carry on this occasion on my shoulders a full sense of responsibility in what I am doing. This question obviously bristles with thorns and angularities arising out of a feeling that religion is affected and so on. On the other hand we have got the utilitarian solicitude for the social welfare of the people. And therefore a clear cut way has got to be found out between these angularities and these thorns so that I may achieve the end I have in view as well as not injure or bruise myself. I have got in my mind a three-fold duty which I must perform. My first duty I think, under the present circumstances, is to my own individual conscience, and I have absolutely no hesitation in saying that the principle of the Bill is one which I can support in all conscience. But at the same time, I can not forget that I am here in a representative capacity, and therefore I have got to look to the conscience or the opinion of my electorate as well. In that respect, however, I find that I am in a somewhat more fortunate position than my Honourable friend, Mr. Neogy, over there. For though personally he is not against the Bill, he is perfectly right in obeying the mandates of his electorate. In my own case, fortunately I have got no such mandates. I can at this distance only guess what my electorate may be feeling in the matter. However, I may mention I have got one telegram from a taluqa Hindu Sabha meeting which asks me to vote against the Bill.

At the same time this is the only telegram or the only mandate that I have received, and therefore I think I can make one of three alternative suppositions. The first is that my electorate is in favour of the Bill,

[Mr. N. C. Kelkar.]

which is of course to their entire credit, but I do not make that supposition. Then my electorate may be indifferent to the Bill, and the third alternative, which is perhaps creditable to me, is that they trust me to do the right thing on the spot.

In supporting this motion and giving my general support to the Bill I must say, at the outset, that I have the greatest respect for the opinions of the opponents of the Bill, but I must have respect for my own opinions as well, and therefore I have no hesitation in supporting the Bill, though I find that they oppose it. At the same time I must say that, judging by the public opinion in Maharashtra, I can say this at least, not necessarily that they are in favour of the Bill, but I can positively say that enlightened public opinion, or even public opinion among the electorate, is in favour of the particular social reform that has been taken in hand. I make that distinction quite clear. Perhaps many of them may not be in favour of the Bill itself, but it is to a certain extent sufficient for my purpose here that I may reasonably presume them to be in favour of the particular social reform that is embodied in this Bill. And in a case like that, when I can make certain presumptions about public opinion in my electorate, and I have got no specific mandate to vote against the Bill, I can do what I think best. Here is a case like the one that has recently arisen here. It has been pointed out, and it has been found out in fact, that there can be no express provisions in the rules and regulations of this House to guide the President to give his rulings on any imaginable question that may arise. I am also in a similar position. The question of this particular Bill was not before my electorate when I stood for election, and we all know that only on certain presumptions people are sent to the Councils, and when questions like this come up on the spur of the moment, one has got to do his best. There can be no exhaustive mandate given at the time of elections for all possible and imaginable questions that may come up in the course of the life of the Council.

I am perfectly aware, Sir, that I was one of those who were opposed to the Consent Bill in 1891. But I will only say this, that much water has flowed down the rivers since then, and in this respect that this Assembly is now a more representative body than it was before in 1891. There were practically no elected people in this House, no people who voiced the popular feeling here. On the other hand we have now got a fair representation of the Hindu community as Members of the Assembly and therefore I think this House is sufficiently representative to consider a question like this.

(At this stage Mr. President vacated the Chair, which was taken by Pandit Madan Mohan Malaviya.)

Then, there are some further considerations. This, Sir, is not a Government Bill; it is a private Bill. Then, again, it has not been introduced by a non-Hindu, but it has been introduced by a Hindu. On that point, however, let me say that, even the non-Hindus have, of course, a right to vote for the Bill, but they may not like to vote on a Bill like this because it is a communal or sectional Bill. They may please themselves. (*Voices*: "It applies to all".) As regards the Muhammadans, their position was made absolutely clear yesterday by my Muhammadan friend over there. They do not say that they are absolutely opposed to the Bill

on the merits or on principle, but that they are not yet agreed on the course they should adopt. It is for them therefore not to oppose the Bill, but to support it as much as they can. As for Government, I will say this, that in a matter like this I will only expect them to be generous and not to issue a mandate to their nominated Members, or even to the official Members. It is not a matter to be decided by official discipline, and even for the sake of my opponents, I expect that Government will give a free choice to the Members on their side.

Then I come to consider the merits of the Report of the Select Committee, and I will tell the House why I plead for the Report of the Select Committee being taken into consideration, and in doing so I will take up the analytical method of dealing with it. This Bill was twice referred to Select Committee and opinions have been elicited on the Bill from all quarters, at least paper opinions. I cannot say anything about the complaint that sufficiently representative witnesses did not appear before the Committee. Whether it was so or not, some of the Members here who were members of the Committee will explain, but I have got nothing to say about that. I will only say this, that apart from the Bill being twice referred to the Select Committee, opinions have been elicited in the usual manner on this Bill. Due publication also has been given to it. Then the Select Committee was sufficiently representative. In the first place I will say that it is not a fact that any new names or other additional names were proposed for the Select Committee and were rejected. This Committee of 18 people was unanimously accepted by this House (*Cries of "No", "No"*). In any case I take the Select Committee consisting of 18 people to be a sufficiently representative body. The personnel shows that there were three Muhammadans on it, two Europeans, one Anglo-Indian, one Indian Christian and eleven Hindus; and from the Hindu point of view, I think it was sufficiently representative, especially as our greatest Hindu leader was on that Committee, namely, Pandit Madan Mohan Malaviya. He is a Hindu of Hindus in India, than whom no more respected Hindu exists in this country.

Now, with regard to the Report of the Committee, we find that there are certain minutes of dissent on that Bill. I will first of all keep out of consideration the two European members, the one Anglo-Indian member and the one Indian Christian member who have not given any minutes of dissent. But on the other hand, I admit that these people belong to a very highly advanced community, who are not likely to express any dissent upon the Bill. Therefore I do not lay much store by their not giving minutes of dissent. As for the Muhammadans they have, in their Minute of Dissent, stated that they do not intend to apply the Bill to their community. Therefore they are out of court as far as the scanning and analysis of the Report of the Select Committee is concerned, but again I say that they do not oppose the Bill on principle even in their Minute of Dissent. Out of the 11 Hindu Members—my calculation may be wrong—there were six Hindus of well known advanced views in social matters and five about whom that sort of description could not be given; but in any case these 11 were sufficiently representative of the Hindus on the Select Committee. Some of them were of advanced views, and others I may describe as either orthodox or semi-orthodox. That covers the whole list.

[Mr. N. C. Kelkar.]

Now, Sir, what about the dissenting minutes that have been written by the Hindu Members? The Hindu Members who hold advanced views have not written any dissenting minute. Only four gentlemen have written dissenting minutes, of whom I may describe two as of advanced views, and the remaining two as orthodox or semi-orthodox. Among the semi-orthodox or orthodox I may include Pandit Madan Mohan Malaviya and Kumar Ganganand Sinha; and the two whom I may describe as of slightly advanced views are Pandit Nilakantha Das and Mr. Bhargava.

I shall now go through their minutes to find out what is really contained in them. Is their objection based on any ground of principle? I shall first take Mr. Bhargava. His objection is based on the ground that the procedure mentioned in the Bill is not what it should be. He objects to the burden of proof being thrown on the other side, that is, on the accused himself. I entirely agree with him in that, and I have handed in an amendment to that effect. He has also said something about sureties and about registration of marriages. That disposes of his minute of dissent.

Then I come to Pandit Nilakantha Das's minute. I cannot make much out of the first part that he has written. In the second part he mentions what is a matter of inconvenience, not a matter of principle or of religious sacrilege. He says—and I quite admit the point of the complaint—that there may be instances where a poor man may require to marry two girls together, or a dying parent may like to see the child married before death for various reasons, and other cases of like nature. Constituted as our society is at present, things like that may happen, and if there is going to be any amendment brought forward in respect of any exemptions to be provided in the matter of the operation of the Bill, I am one of those who will support that exemption. I think in the Baroda State Act, governing this very subject, there is provision for exemption; and I do not see why a similar provision should not be inserted in this Bill. The point is that we do not want to inflict any hardship on any class of persons; and I therefore think we should provide for some measure of relief, some sort of exemption in respect of those for whom it may be said that it would be very hard lines for them. We need not be so harsh upon the whole community. Mr. Nilakantha Das's objection is confined only to that. He says that some room should be given for such hard cases, and suggests the authorities who should have the power to give such exemption. His objection is based on the ground of procedure—not of principle: he does not bring in religious sacrilege nor the question of coercion of a class of society. He does not object to any of the principles embodied in or underlying the Bill.

Mr. D. V. Belvi (Bombay Southern Division: Non-Muhammadan Rural): How could that be done? The Select Committee cannot go back on the principle of the Bill.

Mr. N. C. Kelkar: Those principles were such as were accepted by the House itself; we accepted the principle of the Bill when it was committed to Select Committee, so those principles are binding on us. Then, I take Kumar Ganganand Sinha's minute. He bases his dissent on the ground of age. It is perhaps a question whether that can be called a matter of principle; but I will assume for the present that it is a matter of principle, though strictly speaking it is a matter of detail; for supposing the age is brought down from 14 to 13, or from 13 to 12, or from 12

to 11, then it ceases to be a matter of principle. Therefore the age is not the principle in this matter but only the legal provisions which may operate to coerce the population. In any case, Kumar Ganganand Sinha makes no reference to any religious tenets being violated. He mentions age, and of course he may be presumed to say that if the age is brought down to 12, no religious mandate will be violated. As I shall subsequently show, that is a matter of opinion rather than of fact.

Lastly, Sir, I come to the very important minute of dissent of Pandit Madan Mohan Malaviya. He also, like Kumar Ganganand Sinha, would like to fix the age at 12, though he himself has proposed 11. If that is passed, then perhaps he has got no other objection to the Bill itself. He makes no suggestion as regards procedure or the other clauses of the Bill, including the clause providing for punishment.....

Kumar Ganganand Sinha : (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : He is against imprisonment.

Mr. N. C. Kelkar : Quite right and I will say that I agree with him entirely on that point. I also agree with him when he says that the line of least resistance should be adopted in this matter by all those who want it to be a success. Taking his minute, therefore, as the strongest and most representative on this point, it appears that he dissents on the ground that the age is 14 and not 12 and that the Act is perhaps a little more harsh than it should be. These are his only two grounds.

Therefore, Sir, I would sum up the issues thus. There are three points : one is that the Bill is an interference with religion ; the second is that it amounts to coercion of social classes ; and the third is that this Legislature is not competent to deal with the Bill. But except the first point, no objection is taken on the second and third points in any of the minutes of dissent. No one has spoken of the coercion of the social classes ; neither has any one spoken of the incompetence of this House to deal with the Bill. The only point to be considered is whether fixing the age at 12 would necessarily mean religious sacrilege. But as I have said that is a matter of opinion. I shall now deal with the objection that the Bill amounts to coercion of social classes. That is perhaps the greatest objection that has been taken to this Bill. In this matter I want to use the very minute of dissent which wants to fix the age at 12 against this argument that the Bill amounts to coercion of social classes.

Let us suppose for a moment that, instead of 14, the Bill provides for 12. Then what happens ? See what a miracle at once is achieved by the marriage age being brought down from 14 to 12. It is not a matter of social coercion. Then it becomes at once a necessary measure, a measure of national importance, a humane measure. It does not violate religion ; it causes no inconvenience to any class ; it causes no coercion, and even if coercion is caused by the reduction of the marriage age limit to 12 then such coercion will be justified. That is the direct inference that can be drawn, and this applies, of course, to girls who are below 12. Imagine for a moment that this House accepts the age of 12. What about those classes in which the girl is married at the age of 11 ? They will say we must have freedom, and the objection about the coercion of social classes relates more to the liberty of opinion and action rather than to religious principle. Now, take the case of girls who would be married at 11, 9, 8 and so on. Our friends Pandit Madan Mohan Malaviya and Kumar

[Mr. N. C. Kelkar.]

Ganganand Sinha would not object, if the age 12 is conceded, to coerce the other social classes among whom the practice of child marriage to the extent of 11 obtains at present. Therefore, I take it that no objection remains on that ground except that of social or religious sacrilege. Therefore, the field of conflict and the objection about coercion, etc., is narrowed down to a very small compass, namely the ages between 12 and 14. There is nothing else that remains objectionable in the Bill. Therefore, let us consider the case of this margin between 12 and 14. I will first of all see whom this Bill will not affect. Supposing the age is fixed at 14; there is a definite class to whom the Bill does not apply, and they will not be coerced. That class is a class among whom marriages are performed after 14. They are not affected by this Bill at all. They are not affected by the minimum age being fixed at 14, because among them already marriages are performed after 14, and the appendices to the Report showed me that the percentage of this class of girls, I mean girls who are married after 14, forms about 45 per cent. of the total female population. (*An Honourable Member* : It is about 50 per cent.)

I am thankful to the Honourable Member for the correction. My calculation showed me that it was only 45 per cent. Anyhow, if this Bill is passed, it will not apply to that 50 per cent. of the female population. Then to whom does it apply? It will apply to classes marrying below 10 and these form about 15 per cent.; and my friends Pandit Madan Mohan Malaviya and Kumar Ganganand Sinha would be prepared to coerce these classes, because the practice of marrying girls below 10 obtains among them. If the age is fixed at 12, they have no objection to the Bill being made applicable to those classes. Therefore, from the point of view of conflict and reconciliation of interests, these two classes I would straight away take out. The 50 per cent. to whom the Bill does not apply, and the 15 or 20 per cent. whom my friends are prepared to coerce, may be taken out.

(At this stage Mr. President resumed the Chair.)

Therefore, we are at one with them. Both of us are prepared, in the national interest, to coerce this class of people to reform themselves and to marry their girls at a later age. Therefore, the only question that remains to be decided is about the classes who marry their girls between 12 and 14. This class comes to about, I suppose, 30 or 35 per cent. Now, when 65 per cent. or 75 per cent. of the female population is thus taken away absolutely from the operation of the Bill, let us consider the case of about 30 per cent. who remain and who will be affected by the Bill. But *ex hypothesi*, if they already marry their girls at 12, what harm is there in their going a little further and marrying their girls at 14? They are advanced already, because they do not marry girls below 12, and between 12 and 14 the difference is only of two years, and therefore they may make up their minds to come into line with the others.

But some of the objections of my friends are based on Shastraic injunctions. They say that, by marrying girls after puberty, they would be violating the Shastraic injunctions, but straight away I say I join issue with them in this matter. I am no classical authority; I am no religious authority; certainly not; but I have taken some interest in these matters for a number of years. I have heard discussions on this topic by

erudite sanskrit pandits. I have attended, nay I have even presided over meetings held to express opinions about the Resolutions passed at the Akola Conference in the Brahmin Sabha, as well as the Resolutions passed by the All-India Brahmin Conference at Benares, and there was a consensus of opinion in those meetings that the marriage age of girls should be raised; the public opinion in those meetings was in favour of a late marriage. I do not say that the public opinion was in favour of violating the Shastraic mandates, but it was definitely in favour of making the marriages at a late age. But with regard to the arguments that religious mandates will be violated, I say I am prepared to join issue with those gentlemen who adduce such arguments and say that our Shastras and Smritis necessarily demand early marriage or even marriage before puberty. Sir, this is not the proper place to go into details or arguments about it. I am one of those who have got the highest respect for Smritis, but I do say this, that Smritis are in conflict with each other, and therefore what the elite of the enlightened people of the time, what the progressive people of the time determine must be the governing factor even in religion.

*“ Shrutir vibhinna Smritiyashacha bhinna,
Nalko muniryasya matam pramanam ;
Dharmasya tatvam nihitam guhayam,
Mahajano yena gataha sa pantha.”*

Sir, in olden times we know that when the Kings wanted to get the rules interpreted, they used to call disinterested Pandits and Brahmins. We here are also disinterested Brahmins. We are not in favour of this legislation for any personal aims. We are absolutely disinterested, and though we might perhaps be a little more progressive than some others are, I claim this, that we have at our heart the largest national interest possible. I may be committing an error in supporting this Bill, but I will lay this unction to my soul that I shall be committing that error with a larger view of the national interest of this country. I suppose nobody can say that I am giving my vote with any personal aims. I have already said that I bow in all humility to the opinions of the opponents of this Bill. All I want to point out is that this is a debatable matter. The opinions are not unanimous on this point, as I have already pointed out.

Then again I will come to the most important point on this matter. I admit, for the sake of argument, that the Shastras want pre-puberty marriage. But who doubts that even the Shastras give some relief for any violation in their injunctions? Supposing an error is committed, the Shastras suggest a *prayaschitta* to the man who has committed that error. By *prayaschitta* the man who commits the error loses nothing; he is readmitted into society. That is a very important point. Admitting for the sake of argument that there is some violation of the religious principles on the ground that marriage is performed after puberty, even then the Shastras lay down that there is purification by *prayaschitta* and we know how *prayaschitta* is easy and less costly than the fines embodied in this Bill.

Mr. M. S. Sesa Ayyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Not for voluntary sins.

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Mr. N. C. Kelkar : That also is a debatable point. You can never expect unanimity on this point in this House or even outside it. You can rest assured of that. Therefore, the trap door of relief and redress is left open even by the Shastras, and those who think that they are made to violate the Shastras and religion by this law, may use that remedy of *prayaschitta* and come back into society. Even if it is a sin, it is a sin for which expiation is provided. *Prayaschitta* is not costly. No one is made an outcast in these progressive days even if girls are married after 14. I can take any Member of this House from village to village and point out this stern fact to him that in particular cases in that village girls have been married after 14. There is no sense of violation of religious principles, and they are no outcasts on that ground. Things are going on as smoothly as anything, the reason being that society is intensely progressive now-a-days and is intensely tolerant also.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhamadan Rural) : So no legislation is wanted.

Mr. N. C. Kelkar : There remains only the case of the conscientious objector. Even if I say that a *prayaschitta* is provided for, the conscientious objector may say, "I do not want to avail myself of that *prayaschitta*. I have got a much more dignified view of religion than you gentlemen possess. I have a conscientious objection on the ground of religion." Then what happens is, that we come to a deadlock, a kind of stalemate, and there is no way out of this. If the conscientious objector does not wish to avail himself of the eight-anna *prayaschitta*, an easy and less costly relief than is provided in this Bill, then he is welcome to take the consequences of the Bill. When I say that, I am perfectly conscious in my mind that that sort of remark of mine will apply to only a very few cases. There will be at any time very few conscientious objectors who will regard themselves as polluted by marrying their girls after puberty. Nobody among the progressive and enlightened classes is going to complain that this Bill has been passed ; and as for those people who are ignorant, uneducated and therefore marry their girls even below the age of 10, as I have already pointed out, my Honourable friend Pandit Madan Mohan Malaviya and my Honourable friend Kumar Ganganand Sinha are at one with me in coercing these people and bringing them into line with the advanced classes. Therefore, that objection does not hold good. With regard to the conscientious objector, I will say he is welcome to go to jail and learn a little bit of jail life. If one is prepared to non-co-operate in politics, one should be prepared to go to jail for the sake of one's conscience and one's religious beliefs. After having discarded all the doors of relief that I have pointed out by my finger, this, that and the other,—even after that when he is not persecuted, when he is not made an outcast, when there is the remedy of *prayaschitta*, when he is tolerated and maintained in his own status and position in society—even after that if he says, "I am a conscientious objector on the ground of religion", he is welcome to take the consequences, and I do not think I am concerned to care for this sort of gentleman, not because I have no respect for him,—I bow my head to the conscientious objector, because we see in the matter of vaccination, people undergo punishment and pay fines and do not vaccinate themselves because they have a conscientious objection. Similarly also in political matters we disobey the laws because we do not like them. Similarly in a case like this I think they should, in the last resort, accept the conse-

quences of the law, and in that respect also I am going to make the law as gentle and as little harsh as possible to them. After supporting the original motion, my next step will be to make the law as gentle as possible to the conscientious objector.

Mr. M. K. Acharya : You won't succeed.

Mr. N. C. Kelkar : That is another matter.

Mr. President : The Honourable Member must make room for the next speaker.

Mr. N. C. Kelkar : I have only one more point.....

Mr. President : It is now 40 minutes.

Mr. N. C. Kelkar : I think the real difficulty is there is no clock in front of us.

Mr. President : Honourable Members are aware that there is a large number of speakers who desire to take part in this debate. I reminded Honourable Members yesterday, and I remind them today, and I hope no Member will exceed fifteen minutes.

Mr. N. C. Kelkar : In concluding I will only mention one point, and that is the point of the benefits which are going to accrue to the people. In the first place, it saves a lot of widowhood. I have got figures to show in how many cases widowhood is caused on account of there being early marriage. Then there is the increased scope for education. We are demanding adult suffrage both for males and females. Women are already our voters ; they are appointed to high offices ; they can become Members of Legislative Councils, and *ad hoc* Commissions also. Is it right that we should say that they should not have the necessary opportunities for education ? And how does education and expansion of education go with early marriage—can any one tell me that ? The question is, can all this be done by propaganda or by the Bill ? It can be done by propaganda, and that is being done, but I think that more can be done by strengthening the propaganda by a Bill of this sort, and for that reason I support the original motion for the Report of the Select Committee being taken into consideration.

Dr. L. K. Hyder (Agra Division : Muhammadan Rural) : Sir, I rise to support the Bill brought forward by my Honourable friend Rai Sahib Harbilas Sarda, and to oppose strongly, clearly, without reservation or equivocation, all amendments, all efforts which will destroy the little social good that is embodied in that Bill. I have listened with great attention to the speeches delivered by the opponents of the Bill, and to me it is a revelation—the attitude which some of the Members have taken up. My Honourable friend, my very orthodox friend from the South, wants more evidence, more deliberation, as if the evidence of centuries were not enough. My Honourable friend wants more figures, as if the figures collected during the last sixty years by the writers of the census reports were not enough. What is the story unfolded in these figures ? The very tragic story of child wives, child widows, early deaths, high birth rates and high death rates, and from the qualitative point of view, the gradual deterioration of the race. If that evidence is not enough for him, I do not know what more evidence will satisfy him. If he has not lost his vision, and his ears and heart are not sealed up, let him come with me and I shall show him visual evidence, not the evidence of figures. Let him come to the hamlets of India at evening time and see the lighted fires.

[Dr. L. K. Hyder.]

What are those fires ? They are the funeral pyres—of little girls who have been sent from the nuptial bed to the funeral pyre. That is the evidence that will convince him, and if that will not convince him, I do not know what else will convince him. It is useless to say that you want more time and more deliberation. A friend of mine tells me that he belongs to a community which does not observe the custom of early marriage. He is an honourable gentleman. He shows a great deal of public spirit. He says that it does not matter because he is alright and there is nothing wrong with him. It reminds me of a man who went to church and prayed " Oh, Lord, save me and my wife, brother John and his wife, us four and no more ". The Brahmins, the Vaidyas and the Kayasthas of Bengal, because they are literate, because they have a greater command of worldly possessions, have freed themselves from this evil, but the cultivating classes of Bengal and those classes which want to force an entry into the fold of religion are to be kept out and not given the benefit of an enlightened piece of legislation.

Then, Sir, there are some gentlemen who say that it is not at all desirable that the State should interfere with religion. I will say this : that many of the things which come up before us in this House deal with the facts of social life and with social phenomena, and I ask gentlemen to consider whether they would subscribe to this doctrine that the State cannot interfere in a matter of this kind. If that were so, then a large part of those things which would increase the well being of the people of this country would have to lie outside and would not come up before this House. Then, Sir, it has been said by some, " Apply this law to others, but do not apply it to us ". That, Sir, is also a dangerous doctrine. Laws are passed by the State and they apply to all the nationals of the State. There is no exemption in a modern State. Laws apply equally to all the nationals and all the subjects of a State. So that point is ruled out on that ground. If there is an evil, surely what is bad for one section of His Majesty's subjects is equally bad for another section of His Majesty's subjects. I look at the matter from a more worldly point of view. It has been said that marriages are made in Heaven. I do not hold that view and I cannot shut my eyes to the fact that the principal agents arranging a marriage, to take an example, would be, Mr. Acharya and his wife and Mr. Aiyangar and his wife, settling matters relating to age, beauty, *stridhan* and other things of that kind. These are all material things, things which are of this world, and have nothing to do with the other world. Sir, this measure attempts at minimising one of the evils, namely the practice of child marriage. All the European countries have secular laws and no evil has come out of them.

Mr. M. K. Acharya : No evil ?

Dr. L. K. Hyder : None whatever. One particular writer has said that the custom of early marriage is characteristic of primitive tribes, for instance, the bushmen of Australia and the Hottentots of Africa. I ask, Sir, whether Honourable Members living in this century are prepared to subscribe and give their support to institutions which would place us on an equality with primitive races. If so, I cannot for the life of me think what can become of our other efforts in other spheres. We cannot be astronomers and astrologers at the same time. It can be only one thing.

There is no doubt about it that it shall be only astronomy and not astrology.

Sir, I had occasion, in the last hot weather, to examine, the answers
 1 P.M. of students coming from the whole of the United Provinces, the whole of Rajputana and the whole of Central India to a question in which they were asked to account for the high rate of mortality among infants. I found, Sir, that one and all, about 1,200 young men, attempted to answer that question, and they said that one of the principal causes of this high mortality was this practice of child marriage. There is more and more evidence to this effect coming from the Universities. Universities in the United Provinces and some colleges in the Punjab have adopted a rule in which they lay down the conditions of admission, and one of the conditions is that they shall not admit a married student who is of a certain age. Sir, things are moving outside.

Mr. M. K. Acharya : Then why do you want legislation ?

Dr. L. K. Hyder : We require legislation in order that the spirit of obscurantism may be removed from our people. Well, Sir, there are a number of other things also included in the qualitative aspect of the population question. You will have to consider in the future, what is it that you want. Quantity or quality ?

Mr. M. K. Acharya : One of the things we want is the quality of the race.

Dr. L. K. Hyder : Then you are the man who ought to be on this side of the House against this practice of child marriage, against breeding too many, against breeding too early and sending them to a very early grave. If my Honourable friend is concerned over the welfare of cows and would therefore have a better kind of cow, why not then a better kind of human being. There is physiological evidence for it, only if you do not seal your hearts or ears against it ; and this question, Sir, is a question which is of vital importance to this country.

Mr. President : The Honourable Member has only one more minute.

Dr. L. K. Hyder : We shall have to decide whether we are going to have among our people persons who are individually as well as collectively incapable and inefficient. If we want a better kind of rice, a better kind of wheat, a better kind of jute plant, surely it is up to us to breed up and not to breed down. Apply the same principle to human beings. They say that science can give no lead whatever. That was the remark made by my friend, Mr. Neogy. Well, Sir, science does throw light on it and that light is this, that definite physical defects are transmitted, and one definite physical defect which we find here is that of consumption, phthisis. If a little girl, who ought to be playing and skipping about, has to function at a tender age as the mother of the race, well, Sir, science says, " This function is too great for her ", and she suffers, and she transmits her defects. What science does not tell us is how, in what way, the divers characters are transmitted, but there is a large presumption, and that is this, that just as in the case of plants and animals, similarly in the case of human beings, you can grade up the quality. Sir, I give my whole-hearted support to this measure, and I say that it is time that we, noticing the forces at work outside, everywhere, seeing the Chinese cutting their pigtaails and discarding the practice of having small feet for their women,

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and finding other Oriental nations also, whether they like it or not, doing away, in one way or another, with many of their institutions, came round to the view that it is high time for us to discard some of these practices which do not conduce to the well-being of our people. (Applause.)

Mr. E. L. Price (Bombay : European) : Sir, it might be asked why do I, a European, rise on this subject ? In the first place, Sir, because I am a man, and I share the feelings of common humanity,—“ One touch of nature makes the whole world kin ”—and in the second place, if I be segregated here, in my own home-town, I am not segregated there ; I am a man and a citizen, and so I realise to the full the earnest desire of my fellow-citizens for reform in the direction indicated by this Bill. Sir, there is not one of my fellow-citizens in Karachi but would expect me to give my support to this Bill, and I hope not to fail them. I come from the most enlightened Presidency. (Hear, hear.) We have been afflicted lately with grave misfortunes, some arising from the wickedness and folly of man in Bombay proper, (laughter), and now in Sind there have been misfortunes which are the visitation of God, first cholera and then these floods. But for all these misfortunes, the white light of faith has never burnt dim in the Bombay Presidency. Never have we faltered in the high hopes of our destiny in the future as one of the most advanced provinces, and I claim, Sir, that in such a matter, the opinion of the Bombay Presidency must carry great weight even here. (Applause.) And what is public opinion in the Bombay Presidency ? Sir, you will find it hard to put your finger on a spot where that opinion is not in favour of this Bill.

Mr. D. V. Belvi : Question.

Mr. E. L. Price : If you go to Sind and Karachi—excepting the Commissioner in Sind, an official whom I do not think the Benches opposite will be very willing to follow—you cannot find any one, either among officials or the public who has one iota of ill-will to this Bill. Opinion is unanimous.

Now, Sir, I am not dealing with transcendental philosophy, but with the ugly facts of every day life, with the world we live in which is often nearer Hell than Heaven. I make no pretence to say that Karachi lives on one plane and that the highest. On the contrary, we have our faults, and we are making them known continually to one another, in a brotherly way. But we have at least this virtue, that I can challenge anybody here to find in Karachi a thinking man or woman who would wilfully protract the sufferings of children. I insist on the word “ children ”. Look at the evidence given in Karachi about these child wives, the records of Hospitals and Criminal Courts. A child wife of 11½ years of age is raped by her “ husband ”, a man of 32 years,—gravely injured requiring hospital attention ! A child wife between the ages of 11 and 12 years raped by her “ husband ” (save the mark !), a man of 28, involving her death, and there are half a dozen similar cases lately tried in the Sind courts. All the world knows that for every one such case brought to justice there are 50 cases where the child's sufferings go unavenged. (Voices : “ Thousands. ”) The crux of the matter is that, despite the limit of age for consent in the Penal Code, so long as there is no limit to the age of marriage, no national marriage law, children, female children of tender years will be looked on as fair game for sexual practice. That vile point of view has got to be eradicated, and this Bill will possibly help to do it. After, all, it has never approved itself to

social thinkers who survey humanity not merely in its upper strata but all through,—it has never approved itself, I say, to social thinkers that there should be a period between the marriage ceremony and marital intercourse, during which period consummation should be a crime. That crime by this Bill will be deleted and female children will be protected by the law in another and far more effective manner. Those, Sir, who clamour for nationalism, is their voice to prevail in politics alone? Nationalism so founded would be like a tree without roots. The roots of true nationalism must be laid deep in the social habits and customs of the country, and how better can you begin to build up that national spirit than by enforcing a national marriage law throughout the country with no exceptions? I urge, therefore, that the Honourable Member opposite cannot vote against this Bill without belying their nationalist convictions.

There are too many who come here with their ideas labelled in capital letters PROGRESS, and these labels no doubt give them comfort and confidence. But, when the time comes to go home, they cut out the first two letters from their labels, and to what is left they refuse passage through their household doors. (Laughter.)

Now I am speaking for the Bill, but what I am up against is not so much declared hostility but rather insidious, subtle and veiled attacks which are made to look so very reasonable. The first three speakers only want a little time! Is time going to change their opinion? Not a century can do so. And it must be recognised that the people who are asking for time are essentially in spirit the wreckers of the Bill. They hesitate to make a bold frontal attack on the Bill; they prefer to stab it in the back. I will put Mr. Neogy in a rather different category. I have known him too long and too well to doubt his sincerity in the matter. But I *do* think he is over-impressed by these reply-paid postcards. (Laughter.) In any case, Sir, Mr. Neogy is, like the rest of us, a Member and not a delegate, and I would like to know how many of those postcards have come from women. Let him count not merely the postcards from his males, but reckon the percentage they form of the total population. He will, I think, find that they do not form so high a percentage as to prevent his following the higher dictates of his personal conscience. (Hear, hear.) One word more to Mr. Neogy. I do not think he should find it affects his conscience what replies a few Local Governments have given, when those replies are wholly unbacked by the Legislative Councils.

I may be permitted, Sir, to add a word to those Muhammadan Members who want delay. Sir, it is the glory of their Holy Prophet (on whom be peace!) that he not only swept away idols and priests and gave his people direct access through prayer to Allah, the Compassionate, the Merciful, but that he restored most generously to woman the rights to her person and her property, of which the hardheartedness of man had deprived her. (Applause.) I urge, therefore, on their conscience this,—that this Bill is not inconsistent with their religion, nor with the Holy Prophet's generosity to women, and that similar enactments prevail in other Muhammadan countries. I learnt about Egypt only yesterday, but I knew about Turkey and Algeria for some time. Let them, therefore, be willing to accept this Bill and to bring India into line with their co-religionists elsewhere. I ask them not even remotely to assist the wreckers of this Bill.

Sir, one word more and I have done. I have spoken, I must admit, under some emotion, but I hope not without restraint. If I have said

[Mr. E. L. Price.]

anything that hurts the feelings of any Member of this House, I ask it to be remembered that he who strikes a blow in defence of a helpless child may well be excused if he strikes hard. (Applause.)

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, I welcome the clear enunciation of policy made by my Honourable friend Dr. Hyder. Dr. Hyder comes from the University of Aligarh, the seat of Moslem learning and culture. The message that he has given to this House will radiate from here to all stations in India and bring home to the youth of India a new message of hope and charity. It will also rally most of the Moslem waverers in support of this Bill. This is a hope which I fervently express.

The Bill which is now before the House reminds me of many more legislations of similar character already considered. The first I can recall was the Consent Bill of Sir Andrew Scoble, and the second was the Age of Consent Bill to which reference has been made by my friend Mr. Kelkar. The third one was a Bill introduced by the late Mr. Bhupendranath Basu, whose name is well-known to the Members of the House, dealing with the special Hindu marriages. And the fourth one was the Hindu Marriage Validating Bill, with which the name of our President will ever be associated. What was the kind of response which these Bills received ? The same sort of reception portrayed by Mr. Acharya and by my Honourable friend Mr. Neogy. In those days most of the opposition came from Bengal. Bengal then had ceased to be for the time being the home of liberty of thought, liberty of conscience, the home of light and culture and of reform movement at the time when the first Age of Consent Act came into being. When my Honourable friends Mr. Neogy and Mr. Amar Nath Dutt spoke on this Bill, I, as a man coming from Bengal, felt humiliated. My Honourable friend Mr. Dutt will not even look at the Bill because the Committee appointed by an alien Government has reported upon it. My Honourable friend Mr. Dutt forgot for the time being that Mr. Harbilas Sarda was not a member of an alien bureaucracy. He is really a native of the soil ; he comes from Rajputana, which we all know, and the Bill is not the product of an alien Government.

Then, Sir, what about the Select Committee to which my Honourable friend Mr. Kelkar paid an eloquent tribute ? That Select Committee was not the creation of a Satanic Government. It was the creation of this legislative body. He also forgot that for the time being. Lastly, Sir, the Committee, I am very sorry to say, has been very adversely criticised by my Honourable friends Mr. Amar Nath Dutt and by Mr. Acharya. On that Committee sat, representing the Congress Party to which my Honourable friend Mr. Dutt belongs, Mr. S. C. Mitra, to whose sincerity of purpose and to whose devotion to duty, I can pay a well-merited tribute. The Nationalist Party was represented by Mr. Thakurdas Bhargava, an ardent scholar of social reform well-known all over Northern India. Who else were there ? Sir M. V. Joshi, a Liberal of Liberals, a man of great political acumen, a trained lawyer and administrator, and one who is well-known to us. I will only mention two more names. Rai Bahadur Pandit Kanhaiya Lal, a Judge of the Allahabad High Court, whose name is well-known to Pandit Madan Mohan Malaviya, one than whom a more distinguished son of Hindu culture could not be found. Only one word about the European doctor, Mrs. M. O'Brien Beadon, a member of the Women's Medical service, than whom a woman more acquainted with the

conditions of women's life in India it would be difficult to find today. These are the people who reported on the Age of Consent Bill. I was very glad that the Honourable the Leader of the House defended them in eloquent terms, and as a witness who appeared before them, it is my proud privilege to defend them. A better committee could not have been chosen and a better Report could not have been obtained.

Now, I come to my Honourable friend Mr. Neogy with whom I rarely disagree. He and I have been friends for many years, and the tribute which Mr. Price paid to him is entirely and whole-heartedly shared by me. Mr. Neogy has been carried away by a misrepresentation. Mr. Neogy is one of the most sincere workers I have ever known, but in this particular case I cannot help feeling that he has been misled by the orthodox tyranny of East Bengal, and particularly from my district, of which he is the elected representative. (Hear, hear.) The position which Mr. Neogy voices is the position which existed in 1882. I will now read an extract from the speech of Sir Andrew Scoble. This is what he says on the motion pressing for the consideration of the Age of Consent Bill, 1882 :

" The discussion which has taken place with regard to this Bill during the last ten weeks has had many good effects. It has shown, among other things, that outside Bengal, there is very little real opposition to the measure ; that in Bengal itself the extent and importance of the opposition have been by no means so great as has been represented, and that as regards the objections raised to the Bill, its supporters have everywhere had very much the best of the argument "

Precisely the same conditions exist today. I want to know who were those who received those postcards and letters protesting against the Bill, which my Honourable friend Mr. Neogy produced yesterday. My Honourable friend Mr. Neogy has prided himself that he belongs to a community which is not affected by the Bill. Might I ask Mr. Neogy to remember the agitation which followed the passing of the Age of Consent Bill ? Who was the promoter of the organisation which led the opposition to that Bill ? A gentleman well-known and very much revered in his own community. His name was Mr. Krishna Prasanna Sen, who died as a Sadhu in the holy city of Benares. Who was the other one ? Who was the law-giver ? A celebrated Bengal divine, but who was just a divine and who knew nothing of the life of modern conditions. His name was Pandit Sasadhar Tarkachuramani and he is well-known all over Bengal. Mr. Neogy has done nothing more. He has dug up the old archives and I wish that, for the good name of Bengal, he had not done so.

Now, Sir, I shall say a few words about the duty of this House. It was my Honourable friend, Mr. Sessa Ayyangar, who raised the question as to who should be the judge. Certainly not the clerics and divines belonging either to the Hindu or the Muhammadan community or the Christian community. The decision belongs to us. The decision belongs to the Governor General in Council, and we are the Council. The decision belongs to us ; and we must take the right and correct decision. I am very glad that the Honourable Sir James Crerar has upheld the policy laid down by a distinguished predecessor of his, who also came from the Province of Bombay. Sir Andrew Scoble clearly laid down, that, " It was the clear right and duty of Government to adopt such a course if the necessity for State interference was established ". I claim, Sir, that the necessity of State interference has been established beyond a shadow of doubt in regard to this Bill. I am sure, Sir, that the encouragement which has been given to the Bill by the Leader of the House has earned for him the gratitude of all right thinking men. (Hear, hear.)

[Mr. K. C. Roy.]

Now, Sir, I will make one or two observations before I close. What is our duty in the matter? My Honourable friend, Mr. Acharya wants the consideration of the Bill to be postponed, and he has blamed very seriously the Government for not publishing the Age of Consent Committee's Report earlier. What is the position? The position is clearly this. That for two years the Sarda Bill has been before the country. Two Select Committees have reported on it. Not a single day has passed without some criticism or other appearing in the newspapers all over India. The Provincial Governments have reported upon the Bill. The Age of Consent Committee also has approved the Bill. Then what justification can there be for delaying the Bill any further? As my Honourable friend, Mr. Price has clearly pointed out, the object of the Mover of the amendment is quite different and I hope that the House will not permit him to gain his object.

Before I resume my seat I may say I forgot to mention a very important fact, and I think that really does credit to Bengal. My Honourable friend Mr. Mukherjee, an official from Bengal has drawn my attention to that point. This is the first time that I hear, in this Council, that my Honourable friend Mr. Neogy has great reverence for the opinions of the Government of Bengal. I do not quarrel with him on that account. Now-a-days the Bengal Government is not the same Government as it used to be. It is no longer the same powerful Government it used to be. It is a very small unhappy unit of administration today. But it must be said in fairness to the Government of Bengal that they do not for a moment doubt the utility of the Bill. This is what the Bengal Government say:

"Having regard to the object with which the Bill has been prepared, the Governor in Council considers that there can be no doubt as to the desirability of fixing a minimum age so that the chances of Hindu girls becoming widows as children with the result that they are debarred from re-marriage may become fewer."

This is the accepted principle of the old Bill. But of course the present differs from the old Bill. Towards the conclusion the Bengal Government say:

"In conclusion, I am to say that, in the opinion of the Governor in Council, the question is one for Hindus and if Hindu opinion is on the whole in favour of legislation, he would not oppose it."

This is a fair and unequivocal support which the Bengal Government have given to the measure.

Now, Sir, about our own position. We are all clamouring for political advancement, and when that advancement is in sight, let us prove to the outer world with which I am more familiar than those who are absolutely severe critics of the Bill, let us prove to the world that we want to go forward in every direction of our social, civic and political life. Then, we shall get what is our due.

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

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

Kumar Ganganand Sinha: Sir, as one on whose motion this Bill was referred to a Select Committee some time ago, and as one of those

who signed the Report of the Select Committee which we are considering, I think it is hardly necessary for me to say that I oppose all dilatory motions that have been tabled, and support the motion that the Bill be taken into consideration.

Mr. M. S. Aney (Berar Representative) : Is there not one tabled by you ?

Kumar Ganganand Sinha : My friend from the Nationalist Benches reminds me that there is one motion tabled by me which is in the nature of a dilatory motion. I would at once say that I would explain in the course of my speech why I tabled this motion and why, on subsequent thought, I considered it advisable not to move that motion. I think, Sir, it has been rightly pointed out by some of the Members who have preceded me that this Bill has been very long before this House and before the country. It was introduced on the 1st February, 1927. It was referred to a Select Committee by a motion of this House on the 15th September, 1927. The Select Committee reported in March 1928. The Bill was in the meanwhile circulated, and after the Select Committee reported it was re-circulated. So the country had the opportunity of considering the Bill not on one occasion but on two occasions, and from the opinions that were received it was evident that it was thoroughly considered by all the provinces. After the opinions were gathered for the second time the Select Committee again went through the opinions and the considered Report of the Select Committee is now before the House. The House is well aware that in January last the consideration of the Bill was postponed on the ground that the Age of Consent Committee, which was then functioning, was going soon to report on allied matters, and it was worth while to wait a few months and to know what their conclusions were. Well, Sir, before we met, we got that Age of Consent Committee's Report. Besides that there was so much of Press and platform propaganda both for and against the Bill since its introduction that it cannot be said that it was not fully considered. It may be that all the provisions of this Bill are not acceptable to the Honourable Members, but is that a reason why we should not consider the Bill at all ? I consider that that is exactly the reason why we should consider the Bill, make such improvements as we consider desirable to the best of our lights, and make this Bill a law in order that the evils which it wants to eradicate might be done away with.

On the question whether we should have this legislation or not—and this is the question which we consider now—I took special care to ascertain orthodox opinions, because I find that among the Hindus it is chiefly what is called "orthodox opinion" which is opposed to the legislation. You will remember, Sir, that on the 15th September, 1927, when the question was whether the original Bill introduced by my Honourable friend Rai Sahib Harbilas Sarda should be circulated for public opinion or should be referred to Select Committee, my friend **Mr. M. K. Acharya** himself, who has now moved the dilatory motion that is before the House said :

"I say Hindu orthodox opinion will not object to our legislating that marriage before a certain minimum age—my own opinion is that it must be ten at the present day—is against the *Shastras* and so null and void."

Mr. M. K. Acharya : I still say it.

Kumar Ganganand Sinha : I am glad to find that my friend Mr. Acharya is not objecting to the legislation still.

He is in favour of the legislation; but he knows full well what the effect will be of this dilatory motion. It has been pointed out this morning by one of my Honourable friends on the European Benches that the object underlying all dilatory motions is practically to wreck the Bill. He is right. If we want legislation, let us proceed with the Bill, and let us consider it at once, instead of postponing it for any further period. It is no use carrying on this guerilla warfare and trying to kill the Bill by postponements. Let us take the bull by the horns. My object in giving notice of the amendment that is on the agenda paper was to incorporate in this Bill certain provisions in the light of the Age of Consent Committee's Report, such as marriage register, provisions for marriage certificates, birth registers and such others, as may be necessary effectively and smoothly to administer the law. I find, Sir, that we shall be under the necessity of making such provisions when this Bill is passed into law by bringing in a Supplementary Bill or by amending sections of the existing laws; and I wanted that, instead of waiting to amend these provisions subsequently, we should incorporate those provisions in this Bill. But I find that the feeling in regard to the essentials of this Bill is running so high that it is harmful in the national interest to wait, and imperative to put the Bill on the Statute-book as soon as possible. It is better to leave it to the House and the Government to make such alterations in details when we have agreed on the essentials. It is no use keeping this Damocles' sword hanging over the country. The country will remain in suspense and uncertainty for a further indefinite period, and I am afraid much harm may be caused thereby. For these reasons I do not think that any dilatory motion, even that modest motion of mine, would help the cause at this stage. It is true that it would have been very helpful both to the Members of this House and to the country outside if the evidence volumes of the Committee's Report had been published as they were taken even before the Report was published. In that case the people might have been in touch with the nature of the evidence that was adduced in the various provinces on this question. But even when that has not been done, I do not think that it in any way strengthens the case for further postponement. We know the opinions for and against this measure. It has been before this country, as the House is well aware, for a very long time, and if people have not thought over the matter, if they have not cared to ascertain the views for and against the measure, I think it is primarily their fault. I was looking into the opinion of the province from which I have the honour to come and I find that the Government of Bihar and Orissa is in favour of legislation of this kind. They have got a suspicion that the legislation in its present form may be a dead letter, and that the legislation as it stands might be abused, but they have no doubt on the point that this legislation is a necessary piece of legislation. They report that seven District Judges, including four Hindus, and two Subordinate Judges are in favour of this Bill and that four District Judges, including one Hindu, are against. Amongst non-officials, eleven Bar Associations are in favour of the Bill, while five Bar Associations and two recognised associations are against it. Now, Sir, our province is one which is considered to be a backward province in the matter of social advancement. (An Honourable Member : "No.") (Laughter.) The Age of Consent Committee reports

that child marriage is very prevalent in my province ; and when I say that it is considered to be a backward province I do not mean that it is really backward, but that it is the opinion of many that on the score of early marriage, it is a backward province. Therefore, when I find that opinion in that province is decidedly in favour of legislation of this kind, I am strengthened in my view that this piece of legislation must be passed into law without delay. The Age of Consent Committee has, in a very instructive appendix, stated the number of witnesses for and against marriage and consent laws. For Bihar and Orissa, the total number of witnesses is 64 : out of which as many as 44 witnesses want a marriage law ; and only four witnesses do not want it at all ; while eight have not said either way. This figure itself will show what is the demand in my province for a marriage law.

Sir, Shastras have been quoted to show that the provisions of the Bill violate their injunctions. I took care also to ascertain opinions from people learned in the Shastras in my part of the country. Of course there is a considerable amount of feeling with regard to the prescribed marriageable age ; but so far as a marriage law itself is concerned, they are of opinion that, if it is brought down to a certain age, they will have no objection to it at all. Then so far as the texts are concerned, the Honourable Members, if they will turn over the pages of the Age of Consent Committee Report, will find at once that, even in the Parishads of Pandits, they could not come to any final decision about what the marriageable age should be. In page 106 of the Report, the third question in the Conjeevaram Parishad of April 1912 was : " Do any of the Shastras prescribe post-puberty marriage for Brahmin girls or at least permit such marriage as inferior alternative ? " In answer, eight Pandits held that the Shastras prescribed post-puberty marriage for Brahmin girls ; two Pandits held that some prescribed and others merely permitted such marriages ; 21 Pandits held

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that the Shastras permit that, under certain circumstances, marriage can be performed for a period of three or four years after puberty. Nine Pandits held that the Shastras permit such marriage only under unavoidable circumstances, and three Pandits held that, though permitted by the Shastras under certain circumstances, such marriages should be against the practice of the pious and the learned, and should not be adopted, and seven Pandits held that the Shastras prohibit post-puberty marriages. Of course, we know that the Pandits who interpreted the Shastras are all very learned people, but when there is such a divergence of opinion on this point, it is really very difficult for persons like me to come to a decision on a controversial matter like this. If Honourable Members will be good enough to refer to subsequent pages, they will find that there is a wide divergence of opinion among the learned Pandits who had the opportunity of learning those Shastras on other matters too ; and when such great Pandits differ fundamentally on many of these points, it is really difficult for a layman like me to come to a decision merely on this Shastraic basis. We have therefore to act to the best of our lights and according to the public opinion prevailing in different parts of the country. Sir, I think I am not competent enough to speak from the Muslim point of view, but I also took care to ascertain, as far as I could from the published papers, their opinion. I find that the Age of Consent Committee tried to get the views of Muslim theologians, but they do not seem to have come forward to tender evidence in sufficient numbers before the Committee. Whose fault is this ?

Mr. President : The Honourable Member must now finish.

Kumar Ganganand Sinha : And I find, Sir, that one of the members of the Committee, Mr. Kadiri, has said that he wanted more Muslim theological opinions to be gathered only if the passage of the Bill was not delayed. I would only repeat the appeal to my Muhammadan colleagues here that they should not delay the passage of the Bill. I again appeal to the House, Sir, to reject the dilatory motion and face the issues boldly and squarely. They may not be satisfied with the Bill as it is, but they are perfectly within their rights to amend it, and they will get that opportunity only after they have passed this motion for consideration. Sir, I support the motion for consideration.

Mr. D. V. Belvi : Sir, I may say at the very outset that I am opposed to the further consideration of this Bill, and my reasons are these. I oppose the consideration of the Bill not because I am an orthodox man myself. I am not an orthodox man in my private life. (Hear, hear.) What has been laid down in the Bill has already been translated into action in my own case, and I have said so in this House more than once. But the main reason why I oppose this Bill is that the controversial tone which was adopted by the Honourable the Home Member in the discussion of this Bill prompts me to tell him very frankly that he is entirely wrong in supposing that he has got behind him a large mass of public opinion.

Several Honourable Members : He certainly has a large mass of public opinion behind him. How can you say that he has not ?

Mr. D. V. Belvi : I say, he has not. I will make myself clear. The opinion has been ascertained in a certain way, or rather in the usual way, but it should have been ascertained in quite a different way in the case of a Bill of this character. I put a question to the Honourable the Home Member in the last session of this Assembly at Delhi as to whether the religious heads of the various castes and sub-castes had been specially consulted about this Bill, and the reply given to me was that public opinion had been consulted in the usual way. I submit, Sir, that this is a wrong way of ascertaining public opinion in a matter which is of a quasi-religious nature. This is a Bill with which the educated people of the country, or at any rate a large mass of the educated people, do sympathise. I am one of those who sympathise with the Bill, but the people who will be mainly affected will be the masses of the people. Now, Sir, what is the state of the country at present ? You know that, even after the advent of British rule in this country for over 150 years, the percentage of literacy has not gone beyond 10 per cent. It means that not even 10 people out of 100 are able to scribble their names, which means that the large mass of the people are still ignorant. It is no use taking the opinion of the English educated gentlemen in a matter like this. They are all in favour of this Bill, I know. The opinions of High Court Judges, the opinions of District Judges, the opinions of District Magistrates do not matter much. These things count for very little. Properly speaking, the District Magistrates should have been asked to ascertain the opinion of the people of each village through their Mamlatdars and through their Tehsildars from village to village. It would not have been very difficult for Government to ascertain the real opinion of the people in that way. If that had been done, surely I would have found my way to support this measure if I found that the bulk of the people were in

favour of this measure. And I do challenge the assertion which was made in a very dogmatic, in a very controversial manner, I may say in a very pontifical manner by the Honourable the Home Member. I was very much surprised to find that he should have taken, on behalf of Government, such a dogmatic position in the matter as he did. Government is entirely wrong in supposing that public opinion has been sufficiently consulted in this matter. That is my first reason for opposing this Bill.

My second reason is that the Members who are now sitting in this House have no right to legislate on a matter like this without having the support of their constituents. Were they sent to this Assembly to legislate on social matters? Was this matter before the public when we were returned to this House as representatives of the people? Is it not a fraud upon the public? (*Several Honourable Members*: "No, no.") It certainly is. I am entitled to hold my view. I say it is a fraud on the people to pass a social legislation of this character without consulting the people, without consulting our constituents who returned us to this House. Sir, I have been asked by some of my constituents to oppose this Bill stoutly. (*Honourable Members*: "How many?") How many people have you consulted in this matter? You have consulted only a very small percentage of the people. (*Several Honourable Members*: "We have consulted hundreds and thousands.") In the first place, 10 per cent. is not even the standard of literacy in this country, and what are you after all? You are only an infinitesimally small fraction of the people. You are only, in the words of Burke, half a dozen grasshoppers making a lot of noise in the forest, while there are hundreds of big animals resting under the oak. What is your percentage as compared with the total population in the country? You talk English very well here. You are people who have got very few scruples. You can eat anything, you can drink anything. You do not know either the civilization of Europeans or the civilization of the Aryans. You are such people.

Mr. President: Order, order.

Mr. D. V. Belvi: You are Hindus only in name and intellectual hybrids. That is my view of the matter.

My third reason, shortly, is this. We have not been commissioned by our constituents to pass a legislation of this character. A meeting was held the other day in the city of Ratnagiri, and I was specially written to to oppose this Bill. That is the view of my constituency. Now, Sir, I ask the Honourable the Home Member whether he does not know anything of the constituency which I represent in this Assembly. He is a civilian from the Bombay Presidency. He worked for several years in my part of the country, namely in the district of Dharwar. Does he not know that every caste, every sub-caste, has got its own Guru there? Why were not these people consulted? Why are Government afraid of consulting these people? Are they afraid of having the opinion of people who will express themselves freely and frankly, and is it intended that these people should not be consulted at all?

An Honourable Member: Were they prevented from giving their opinion?

Mr. D. V. Belvi ; How could they give their opinion unless they are approached in the proper manner ? You do not ask them in the first instance and you do not ascertain opinions in the way in which it should be done, and you say now, because these people did not come forward to oppose the Bill, therefore you presume that the majority of the people are in favour of it. This is a double wrong to the people.

My next reason is that the original Bill has been transformed out of recognition. Originally it was a civil Bill, pure and simple. It was a Bill intended to apply to Hindus only. When it went to the Select Committee, it assumed a new form altogether ; from a civil Bill it came to be a penal Bill and a Bill which is intended to affect the whole country. I find the Mussalmans, many of them at any rate, are opposed to this. The Mussalmans do not want this Bill. (*Some Honourable Members* : "No.") It is no use interrupting me simply because I am opposing the Bill. I have outlived such interruptions on a thousand occasions, and I assure you that if you go on interrupting me I won't stop. We were told yesterday by our Honourable friend Mr. Abdul Haye that the Mussalmans as a body are opposed to this Bill. (*Cries of "No, no."*) (*An Honourable Member* : "What did Mr. Shah Nawaz say ?") There are some Muhammadans in favour of the Bill. I know, but the great mass of the people, at any rate, the mass of orthodox people as represented by the Ulemas under whose authority a *fatwa* has been issued to thousands of people—and I have got with me a copy of the *fatwa*—are opposed to the Bill. The Ulemas say that, even in the time of their Great Prophet, child marriage was in vogue. It is said that the Prophet himself had contracted child marriage, that he married a girl when she was only six years of age. I do not know whether it is true, but this thing has been published under the imprimatur of the authority of the Ulemas, and I suppose the Ulemas are the same as our Pandits. At any rate, I find the whole of the Muhammadan community is not in favour of the Bill.

Then I find that it is intended to make this a penal law binding upon the whole country. Is it intended to send our sons, and our sons-in-law to jail ? Is it intended to drag our daughters and sisters and daughters-in-law into courts ? You want to have two ages, one for marriage and another for consummation. If you want to have an evil, let us have one evil. If you can satisfy me that the mass of the people is with you, then I am surely willing to accept the whole Bill ; not only that, but I am even willing to go further. Some of my Honourable friends have persuaded me to agree to marriage at 12 in the case of a girl. I say, no. Either have it 14 or even 15, or reject this Bill altogether. It is no use tinkering with the matter. If you are afraid of people like Miss Katherine Mayo, and if you bring in this Bill simply to make an impression upon the people of America and Europe that you are progressing very fast in matters social, then pass a Bill once and for all fixing the age even at 16 or 18 for women and 25 or 30 for men. But have it once and for all and boldly. Don't tinker with the thing. There can be no compromise in a matter like this. If you are prepared to ignore the religious convictions of people, then be bold and have this measure passed. If you speak in a disrespectful tone of the Shastras you may do so, but there are hundreds and thousands of those who respect the Shastras ; it is a matter of religious conviction with them. I was told by one of my friends here that the Shastras make provision for penance in the case where the marriage age is exceeded. That

may be an exception and is an exception to be made the rule? We were told very coolly that the conscientious objector may go to jail, may pay the fine. If so, I think it is only a desperate remedy; it is not a piece of sensible legislation. Sensible legislation should only proceed with the consent of the people. We should remember that the Government in this country is a foreign Government. Some Europeans may live in this country even for fifty years, and yet they would not be able to appreciate our feelings, and this is instanced by what the Honourable the Home Member said yesterday. They live in complete detachment and they do not know what is passing in our minds. They only come in contact with people who talk to them sweet words and who say, yes and ditto to whatever they say. They do not generally approach people who would speak to them frankly and with candour. That is their weakness. The Honourable the Home Member is grievously mistaken in his belief. There are bound to be fresh elections in the country in the course of a year or so. Nothing will be lost in the course of one year. This question will be placed before the country, and if these reformers, hot and hasty reformers, are returned, and if I am also returned fortunately, I shall be one with them, and I shall be the first to advocate a measure of this kind. But let us wait. Let us wait for one year. The heavens are not going to come down if you wait for one year. We are told we have grown physically weak owing to early marriages. Every one of us here sitting is the product of a child marriage. I am myself a son of parents who were married when they were children and I do not think I am very weak. (*An Honourable Member*: "You would have been stronger.") I am not going to take up the time of the House by narrating my own personal history. But I tell you this, that mighty intellects, great warriors and great scholars have been brought forth by men and women who were married when they were children. Do you mean to say that you should follow all the customs and manners of Europeans and Americans? If so, read the literature on the subject, read the latest book "Uncle Sham" and you will see what is going on in America, how the American unmarried girls are behaving themselves. Look at the opinion of Judge Lindsey, and one writer says that it is very difficult to find a marriageable girl there who has not had carnal intercourse with a man. That may be an *ex parte* statement, but at any rate, I am not going to follow in the wake of people who have got different civilisations of their own. It may be true, or it may be false. My opinion is that we should follow our own civilisation. We may promote social reform in our own humble way and social reform should come from within and not from without. The marriageable age of boys and girls has gone on upwards considerably. You will be surprised to hear that, when I married my first wife, she was only five years old. When I married my second wife she was 12 years old, and my mother was married, she used to tell me, when she was a baby of six months. You will be agreeably surprised to find that social reform is making progress steadily. My own daughters were married after they had actually completed 14 years. My sons have married girls who were not less than 14 at the time of their marriage. Society tolerates this, but society will not tolerate your oppression or coercion. You have no right to force down the throats of people your own views. You must persuade them. What have these reformers done to persuade people to make progress socially? They come here and move Resolutions. They come here and move Bills simply to have their names put on the Statute-Book, that such and such a Bill was passed on

[Mr. D. V. Belvi.]

the motion of so and so. Gentlemen who bring motions of this kind wish to be bracketed with Raja Ram Mohun Roy ! They think they are great reformers. I say they are not. The Honourable the Home Member says that he is ardently waiting for an opportunity to congratulate the Mover of this Bill, I should be very sorry if this Bill is passed. I shall not express any congratulations, but I will say that I am extremely sorry that the Bill has been passed over the heads of people without consulting them and considering their wishes.

With these few words I oppose the Bill, and I do so very frankly and very emphatically. (Laughter.) I oppose it with all the emphasis at my command because I find you are carrying the thing in a wrong manner. We were told by one European gentleman that this is a matter of national legislation. I hope when Mr. Haji's Bill comes up for consideration, he will hold the same opinion. It is all very well to say that social legislation should be promoted in India and Europeans should be allowed freely to exploit the country in other matters. Our attention is diverted to matters over which we may quarrel with one another, so that they may have a free field to themselves. That is what we see every day. That is what we see even in the case of questions and answers in this House. Remember the nepotism brought out by my friend Mr. Chaman Lall this morning as regards the purchase of stores for the North Western Railway. Interested advice such as this falls on deaf ears. I am not willing to be led into this by-path. I shall consider this measure on its own merits. It is a good measure. It should be passed, but not in the way you are attempting, nor at this time. Let us wait for one year more. Let us have fresh elections ; go to the country, come back and then you can consider a measure of this nature.

Maulvi Mohammad Shafee Daoodi (Tirhut Division : Muham-
madan) : At the very outset I want to make it perfectly clear that I am one of those who believe in social reform. I have been working all my life for the social reform of not only the Mussalmans, of whom I am one, but of all those who came into contact with me. I come from the Muzaffarpore district, where I would not leave a thing which I know to be a wrong to society untouched. I know how deep-rooted the evils are in our society, but I am not a believer in the methods adopted by the ardent supporters of the Sarda Bill. I do not know how they have changed their mind so soon. I thought that these friends of mine had confidence in themselves, and they believed that they could turn the tide of their society in the way in which they wished it to be turned. I am beginning to doubt the capacity of my friends on this side of the House who are now trying to get the aid of Government and the enthusiastic support of the Honourable the Home Member whom they clapped so much the other day for reforming their society. Sir, it is a very delicate ground that we are treading. I believe we are entering a domain which is most sacred in one's life. Supposing the evil exists, the evil is not so appreciable as the other evils in the country are. The greatest evil in the country is the illiteracy of the people. What have the Government done to eradicate that evil from our society, and what have the ardent supporters of this Bill done to eradicate that evil ? I would place this evil of illiteracy in the front rank of the evils in our society. Do my friends believe that it is because of child marriage that all the difficulties in our society have arisen ? If they are of

that opinion, I would simply hang my head in shame, and I would say to myself that I have got very timid companions to work out the salvation of this country. I should think that my friends ought to know better. They ought to know that this matrimonial tie is brought about by many considerations—considerations which are too numerous to enumerate. I would however place before you one or two which are very important and they are these. I think you will agree with me that this evil exists in the lowest strata of society. (*An Honourable Member* : "No".) That is my experience. Personally I do not know of any educated family which is the victim of this practice. My experience is that this evil exists only amongst the lower classes of the people. Why is it there? Try to find out the genesis of it. My diagnosis of the evil is that the man does not understand the fundamental principles and value of life. Sometimes the man is incapable of keeping his daughters unmarried because he cannot provide them with sufficient food. If a man has five daughters consecutively he cannot provide all the daughters with sufficient food, and thinks it more convenient that some of them should be married, so that their husbands might provide for them. Many instances of this kind have happened to my knowledge, and therefore I say that you should try to eradicate these evils first, which are the root cause of child marriage. Try to educate them, give them primary education, make primary education compulsory throughout the length and breadth of the country. Make the economic condition of the people better than it is at present, and last but not the least, the evil of untouchability is the greatest evil of the country, and I believe every human being who has any sympathy with mankind would think that a country in which untouchability prevails is not a country worth living in. Since the awakening of India, untouchability has been in the forefront of all reforms.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

I have never heard that there is such an evil as child marriage, and that this should be eradicated before we can go further. I have never heard of it. If my friends are so zealous of reforming this evil, have they not got other means of doing it? Is it that they cannot do it without the aid of the Legislature? Do you want that the Legislature should invade the private life of a family? I should shudder at that idea. The evil might be eradicated in a few cases with the help of this legislation, but the evil cannot be eradicated in the case of the poorer people who, on account of their economic condition, ignorance and other causes, are accustomed to this sort of evil practice. Therefore my humble suggestion to my friends is not to abuse the power of legislation which they have got in this House. It should be utilised at the proper time and not in matters which concern so vitally the private life of the people of this country. If legislation is considered to be necessary by our Hindu fellow-countrymen for the removal of this evil from their society, I should tell them that they should not make a universal law for the whole of India. They must realise that India is a vast country. A man in Madras is not at all the same as a man in the Punjab. Go to the two places, and you find it out. The custom in the Punjab is quite different from the custom in Madras. Therefore, in a vast country like this, to have a universal law for the whole length and breadth of India is simply enforcing a thing which the country cannot endure for long. I would therefore advise that this universal nature of this Bill

[Maulvi Mohammad Shafee Daoodi.]

should under any circumstance be removed. Sir, I think that the difficulty of this nature in the Bill was foreseen in the very beginning when my Honourable friend, Rai Sahib Harbilas Sarda was good enough to put in a Bill to regulate the marriages of children amongst the Hindus. That was his idea at that time. Later he had a talk with me. I said, "All right, if you think that you cannot reform your society by education, and propaganda, then of course you may have your own way and for the Hindu children you may have legislation". Sometime after we heard that it was going to be applied to the Mussalmans also. We have not had any authoritative statement as to how the Mussalmans were dragged in. I have not yet heard anything about that which can be said to be authoritative. The Select Committee's Report, which has been given to us on this occasion, does not mention a word as to how the Mussalmans were included. I thought that this omission might be supplied by the Honourable Home Member, who was speaking so ardently on this question. But in his speech he was absolutely silent over this point. He did not tell us how we came in. Under whose authority have the Mussalmans been dragged in ?

An Honourable Member : Look at the paper that has been given to you.

Maulvi Mohammad Shafee Daoodi : Tell me which is the paper referred to. I would tell my friends on this side of the House as well as on the other side that the Mussalmans have got a complete law of their own so far as marriage relationships are concerned. On all personal questions we have got a complete code of our own. We are not governed by such vague and doubtful theories which you may have come across in your own case. We have got definite pronouncements, definite sanctions in our religion. For everything there is a provision. For a child when she is married against her will there is a provision for her to repudiate the marriage when she attains puberty. There are traditions of our Prophet—peace be on him—that a Mussalman should not marry a girl unless she understands what marriage is, and so on and so forth. I need not dilate upon that. My friend, the Deputy President, Maulvi Muhammad Yakub, has mentioned some of them in his minute of dissent. However, this is not the place where I should argue these things. How Mussalman children are protected by our Shariat from the evil doings of their guardians I need not dilate upon. You may rest assured, Sir, that our Shariat contains everything, and it is therefore that the Mussalmans are protected by their Shariat. They have only to know their laws, and it is for that reason that we have never heard any complaint of child marriage amongst the Mussalmans.

An Honourable Member : Question.

Maulvi Mohammad Shafee Daoodi : I say I never heard any complaint. Take the questionnaire which has been so framed as not to give an opportunity to Mussalmans to express their opinion on questions affecting them. It is so framed as to indicate that they apply to the Hindus alone. My friend, Maulvi Muhammad Yakub has described, in the Report itself, as to how Mussalmans generally and a large body of them learned in theology, could not be examined before the Commissioners.

An Honourable Member : Why ?

Maulvi Mohammad Shafee Daoodi : I do not know. However whatever that may be, it must be clearly understood that the Mussalmans as a

community do not require any legislation whatsoever on this question. It would be, I should say, a very cruel encroachment on the rights of the Mussalmans, on the personal law of the Mussalmans if this House was going to impose this Bill on the Mussalmans also because the non-Muslims are so many here and we are so few in this House, and as it is now the age of the rule of the majority over the minority.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Can a minority rule the majority ?

Maulvi Mohammad Shafee Daoodi : Sir, I heard with rapt attention what my friend, Dr. Hyder, was saying. I should not say more than is necessary. It might be unpleasant. Dr. Hyder's support should not be considered—I emphatically and strongly assert—as the support of the Mussalmans. (Hear, hear.) He has an individuality which he has always made use of, no matter what the Mussalman opinion is.

An Honourable Member : What constituency does he represent ?

Maulvi Mohammad Shafee Daoodi : I should say that the Honourable Members on the Government and on the Opposition Benches should not be misled by Dr. Hyder's support. Dr. Hyder clearly said he would not talk of the religious aspect. But he should know that his presence here is due to the fact that he professes Islam.

An Honourable Member : Is he not a Mussalman ?

Maulvi Mohammad Shafee Daoodi : Still he would think it beneath his dignity to quote the Mussalman opinion on this question, and to consider what his constituency has got to say on this point. I do not want to take any more time on this question. But I would like, in the end, to say that the religious practices and the social life of my community in India should be held very sacred both by the Government as well as by the majority community. I should like to impress upon my friends in this Assembly that light-hearted actions in matters like this may lead us into a very serious situation. It is not only one aspect of life that will be affected, but, as I foresee, the whole aspect of our society will be affected by legislation on this question. As I said before, the prosecution will be not for the sake of getting those who have done wrong according to this Bill punished, but it will be mostly launched out of spite for some previous grudge. We know very well that in this House there are so many minority groups. (*An Honourable Member* : "Are there ?") I should think so. If you do not admit that fact, you do not admit what is like day-light. That is how I look at it. (Laughter.) And every group which is represented here has got its own social customs and religious practices.

Mr. Rafi Ahmad Kidwai (Lucknow and Fyzabad Divisions : Muhammadian Rural) : Does Dr. Hyder represent a group ?

Maulvi Mohammad Shafee Daoodi : I should say that these customs and religious practices should not be interfered with by other communities. I will give an example to make my point clear, so that it might be understood by the official group which is so zealously supporting this Bill. Take, for instance, the social customs prevailing among our Anglo-Indian friends. Many of them I should say are so harmful to our society in India that we would like to stop them if we had our own way. Take, for instance, the dress of their ladies. The way in which they dress themselves is not at all compatible with the notions of decency which we Indians have. I would

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have thought that on this question of dressing oneself the notions of decency of Indians would have been respected by our Anglo-Indian friends. Still it is not at all desirable to have any legislation to put a ban on persons going about in public and on the roads without covering themselves sufficiently. I should say that this is one of the many examples which I could cite on this occasion. It is enough for my purpose to show that the religious practices and social customs of the various communities inhabiting India are so different from each other that one universal law cannot be said to be applicable to all of them. It is therefore much better to leave the question of the reform of such evil customs to the community itself. If the Mussalmans want a legislation on this point, certainly the Mussalmans will consider the pros and cons and come up with their suggestions, which will be helpful to the society. But it is not for one community to impose its will on the members of another community. With these words, I support the motion for the postponement of this Bill, which was moved in the very beginning. If that motion fails, then I would not like to come in the way of my Hindu friends to have legislation for their own community, but I would not in any circumstance consent to have any legislation for the Mussalmans of India on the matter before us.

The Revd. J. C. Chatterjee (Nominated : Indian Christians): Sir, I rise to oppose, as strongly as I can, the amendment put forward by my learned friend Mr. M. K. Acharya, and to support, as strongly as I can, the motion moved by my Honourable friend Rai Sahib Harbilas Sarda in its entirety. It may be asked why I should have intervened in this debate? My reason briefly is that, in the first place, I was elected by this House as a member of the Select Committee to whose care this Bill was twice committed. Secondly, it seems to have been forgotten that this Bill does not refer only to one community but applies equally to all communities. Therefore, I think, that a Member, whatever his community may be, has a right to speak on this Bill. As regards the speech of my friend Mr. Acharya, who, I regret to say, is running away, I need only say that his arguments need very little refutation for he refuted his own arguments himself. He wanted delay because he had not considered the Report of the Age of Consent Committee and in the two and a half hours oration he delivered he showed clearly that, not only had he read it carefully, but had even studied the biographies of the gentlemen and ladies who composed that Committee. (Laughter.) Sir, so far as he is concerned, he made it quite clear that he thought the Report was not worth the paper on which it was written. Therefore, what need has he to consider the Report, which he thinks is of no value at all, and on the views of whose members he tried to pour ridicule. All that is clear from his motion is that he has tried to make a last attempt, like a drowning man who clutches at any piece of straw. He thinks that his cause is a lost cause, and therefore he wants to delay the passage of the Bill in the hope that the delay may wreck it. He asked what are two years in the history of a nation. Those are strange words in the mouth of a gentleman who belonged, a little time ago, to a certain party. I should like to know what his erstwhile friends would have said to these words of his in regard to other matters. He quoted me and said that I had at one time pleaded that marriage was a sacrament. But he did not remember that what I said was that a section of the Christian Church, namely, the Catholic Church, believed marriage to be a sacrament. At that time my objection to the

measure was in the interests of women, just as my support to the present Bill is also in their interests. That was a Bill to make divorce easier. When divorce is made easier who suffers? Women. Similarly as I believe that this Bill is in the interests of women I support it whole heartedly.

As regards the long speech of my Honourable friend Mr. Sesha Ayyangar, I do certainly have great respect for what he has said. He certainly spoke from conviction, and I believe he had a right to speak, and to put in his plea, because the provisions of this Bill very largely affect the community which he represents. But, at the same time, I regret that it should have been left to him to take that stand,—he ever so learned a gentleman coming from ever so learned a Presidency as Madras. He made great play over half a dozen meetings which had been held in different places and which condemned the Bill. He made much capital of the opinions of two orthodox ladies who we are told have come on a recent orthodox deputation and who have spoken against this Bill. I ask him if he honestly maintains that women do really oppose this Bill, even women from his own part. Has he ever heard of Dr. Reddy, whom his own compatriots have elected Deputy President of the Legislative Council of his Presidency? Is not her opinion worth any weight as against the opinions of people that he has quoted? Then again I ask him, is the opinion of two or three women or even of 50 women who have been asked to put their thumb impressions on petitions worth anything? I will remind him of another piece of legislation which was enacted many years ago, the legislation for the abolition of *sati*. It is well known that at that time a memorial was presented to the Governor General on which the thumb marks—I do not suppose they could write in those days—of 50,000 women were placed. These women pleaded that if the law against *sati* was passed, if *sati* was prohibited, then their religion would quiver and that they would commit *satyagraha*. Those 50,000 women have passed away, and no *satyagraha* took place. The present Bill is exactly the same kind of legislation. I think it is very much more important because in the case of *sati*, it was one in ten thousand or even one in a million women who became a *sati*, whereas in this case, it is a long drawn out *sati*. In the case of millions of child widows, it is worse than *sati*, it is a long drawn agony. My Honourable friend Mr. Sesha Ayyangar made great play on the problem of "the Beyond". He brushed aside the opinion of women who support this Bill, (after all it is the women who are concerned in this Bill) by saying that these women were concerned with the pleasures and happiness of the present world only. My Honourable friend says "We are a great nation, we are a great people, what do we want with the present life or with the present world? We only think of the life beyond". He also said that women who possess piety and patriotism only love the life beyond. They do not want the present world, nor do they want the present Bill. So that all the arguments that he urged amount to this. We are men, we have got vested interests, and so we alone have got the right to live for the present world. We love the present world, we want to enjoy life. This is what men say. So far as women are concerned, men leave to them the world beyond and so deny them the pleasures of the present world. That is the argument usually advanced by men who have got vested interests. Anybody who has got the power might say to him when he wishes to oppress,

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“ There is the world beyond for you ”. If we say that, can not other people turn round and say to us : “ You are the people who believe in the world beyond. There is for you the world beyond with all its eternal ages. Why do you worry about the present ? ”. How would my Honourable friends meet an argument such as that ? I wish that, for the benefit of my Honourable friends, we could have a vision of the world beyond. I wish we could see the shades of victims on whom terrible sufferings were inflicted by those as the result of this pernicious custom. If only we could look into that world of spirits, we would find the shades of ancient sages, of ancient Rishis and of ancestors of the orthodox Brahmins, who were my ancestors as well as the ancestors of my Honourable friends from the South. We would hear them say : “ Alas ! How have our descendents misinterpreted the views of ancient Vedas, and distorted the ancient customs which prevailed when India was at its greatest.” Then they would point us to the shades of millions of child wives, of child widows who suffered life-long agonies and lay on the funeral pyres, so feelingly referred to by my Honourable friend Dr. Hyder. All these call for vengeance on those who started this pernicious custom which prevails today and also on those who want to continue it today.

“ But, Sir, what does the “ world beyond ” mean ? It does not only mean the world that is passed ; it also refers to the ages yet to come. In the days when the agitation against the prevention of *sati* was started, it was fortunate for those who favoured the retention of that custom that there were no Legislative Assemblies, and there were no official reporters to take down their words. The words of those who wanted *sati* to be upheld were not taken down by any reporters. So fortunately all that they said in support of *sati* has been forgotten. But, now-a-days there are such things as official reports and the reporters record every word that is uttered today. I wonder, Sir, what the great granddaughters of those who oppose this Bill will think of their ancestors when they come to read the proceedings of the debate on this Bill. Will they be proud to read the orations of gentlemen who stand up today and want to uphold these customs ?

When my Honourable friends Mr. Acharya and Mr. Sessa Ayyangar saw groups of girls of tender age outside the Assembly, their hearts bled. It is possible that some of the women who were demonstrating before the Assembly Chamber may have suffered from these evils themselves and perhaps that is why they were supporting the Bill. But when my Honourable friends saw this, their soft hearts bled. Yet their soft hearts do not bleed at the cry that rises up from every part of the country. A short time ago, a certain paper in this country said that it would be a very good thing if a wireless set of apparatus was put in the confinement chamber of child wives and child mothers, and connected with the homes of those who protest against this Bill and who want to keep up this tyranny. I do not desire to add to the harrowing pictures painted by Dr. Hyder or by Mr. Price. That would only give material for the compilation of literature and books such as have been so often criticised here. Yet I hope, Sir, that the cry of pain, the cry of great distress that goes up from hospitals, from numerous homes in villages and towns, from the orthodox houses, from out of educated houses and ignorant homes may

reach and torment the ears of people who have the power to set things right and to save these poor girls from such terrible tyranny.

As for my Honourable friend Mr. Neogy, his words are entitled to the greatest respect. He does not as a rule mince matters. Therefore when he made his last speech, he prefaced by saying that he belonged to a community which did not practise child marriage but he did not want others to do as his community did. He wanted others to do as he said. In other words he does not want them to benefit by the example of himself or that of his community.

(At this stage Mr. President resumed the Chair.)

Now my Honourable friend Mr. K. C. Roy has ably answered the points raised by Mr. Neogy. He quoted the opinion of the Bengal Government.

Mr. B. Das (Orissa Division : Non-Muhammadan). He misquoted. He quoted from a wrong extract.

The Revd. J. C. Chatterjee : I believe certain injustice was done to my Honourable friend Mr. Neogy by Mr. Roy quoting the opinion of the Bengal Government on the first Bill.

Mr. B. Das : He misquoted.

The Revd. J. C. Chatterjee : Possess your soul in patience and I shall explain. My Honourable friend Mr. Roy committed a slight mistake unintentionally. He quoted the views of the Bengal Government on the first Bill, whereas Mr. Neogy quoted the opinion of the Bengal Government on the second Bill. Both were right. Mr. Neogy referred to the second Report while Mr. Roy referred to the first Report.

All the same Mr. Neogy also quoted from the views of the Government of the Punjab and he quoted from the first paper and not from the second paper. I believe this is a mistake that we have been constantly making in the course of this debate. The Bill as first brought in by the Honourable the Mover was circulated for opinion, subsequently the Bill as amended by the Select Committee was also circulated. The Provincial Governments recorded opinions on both cases. In several instances their subsequent opinion was quite different to that expressed in the first instance.

4 P.M.

As regards the views put forward by Mr. Abdul Haye and my Honourable friend who spoke from the seat opposite, their main contention especially Mr. Haye's was that the Muhammadans have either not been properly consulted, or that they have not had sufficient opportunities for expressing their views. Now, Sir, I put it to you, whose fault is it that the Muhammadans did not express their views? Is it or is it not a fact that a distinguished Muhammadan gentleman, the Deputy President of this House, Maulvi Muhammad Yakub, was a member of the Select Committee, that he presided at the meetings of the Select Committee on both occasions when this Bill was before the Select Committee and that on the first occasion he signed the Report of the Select Committee without any note of dissent? Mr. Yakub is in intimate touch with the Ulemas. He could have easily persuaded them to give their opinion. He certainly had ample opportunity. Secondly, when this Age of Consent Committee was formed is it or is it not a fact that every party was consulted as to who should be their representatives on the Committee? Two Muhammadan gentlemen, I believe, nominated by their own party, were made members of it.

Mr. Muhammad Rafique (Calcutta and Suburbs : Muhammadan Urban) : After the questionnaire was framed and circulated.

The Revd. J. O. Chatterjee : That is a very small matter. They could have amended or added to the questionnaire.

So, Sir, in the first place this proves that the Age of Consent Committee was representative, because the gentlemen on it were not selected by Government but nominated by the leaders of different parties, and secondly that the Muhammadan members on it were the choice of their own party. Consequently it is very difficult, at this stage, to maintain that Muhammadans did not have time to express their views. Moreover, it is quite clear that a large number of witnesses who were Muhammadans appeared before the Committee. I find that Mr. Sayid Hassan Nizami who, in the words of our Deputy President the other day, was described as a famous religious leader and a distinguished author of the day, appeared before the Committee and has expressed very distinct views favouring this legislation. So also the Honourable Saiyid Wazir Hussain, a Muhammadan Judge, has very strongly supported it. Dr. Mufti Muhammad Sadeq of Kadian, also a great Muhammadan leader, I understand, has given very strong support to it. Therefore, at this late hour, to come and say that Muhammadans have not had an opportunity to express their views is a claim very difficult to support from the facts before us. If we analyse the evidence and the statistics given in the Age of Consent Committee's Report, we do not find that the majority of Muhammadans have spoken against the Bill,

As I heard Mr. Price's speech, Sir, I was full of admiration for what he said. I do not think there was any need for him to apologise for hitting hard. I believe the apology must come from us that it should have been left to an Englishman to hit hard for this cause—the cause of our girls and women. I do hope that his speech at least will rouse people, will rouse those who are zealous for the honour of their country, to support this Bill.

Then lastly, Sir, I want to ask my friends who oppose this Bill. Are they honestly convinced that the women of our country, of any community whatsoever, are opposed to the Bill? I put it to them that if this House were today made up of as it should have been, half of men and half of women, would there be any doubt as to the issues? Therein lies the real test. Let us not forget, that this Bill is in the interests of women and concerns them much more than it does concern men. My friend over there said yesterday, "If you want to learn wisdom, if you want to ask for information, do not go to the girls and children such as implored us yesterday, but go to the old and learned gentlemen, for they are the people who alone can guide you correctly". Sir, it has been said that, "Out of the mouths of babes and sucklings comes truth". The incident of today is an excellent proof of the correctness of that saying. Out of the mouths of babes and sucklings the truth has come, not out of the mouths of learned Pandits.

I have only got one last word to say. We are at the present time clamouring to be regarded as an advanced nation, as a nation qualified to take our place whether it may be in the Assembly of Nations or in the category of free nations. Sir, even if this Bill were to remain a dead letter, for it has been said that if this Bill were passed into law it would remain a dead letter,—its passage will have done something to raise our national

self-respect. The eyes of the outside world are on us. If this Bill is not passed, can we stand up and claim that we are a civilised nation? Look at the Appendices given at the end of the Age of Consent Committee's Report. I do not want to take up the time of the House by quoting statistics of child widows under five years of age, the statistics of girls married, or shall I say condemned, between the ages of five and ten, or even below. Are we a civilised nation, if such statistics, and the hard facts they prove, can be quoted against us? But if we pass this Bill today, we shall have advanced, we shall have been able to show to the world that we desire to advance not only in political matters, but in matters that do count even more, and would make us into an A-1 nation, then and only then we shall be able to take our place among civilised and great nations. This is what hangs in the balance today. I am not competent to speak from the religious point of view, yet the history of India is the heritage of every man and woman who is an Indian. So let me remind you of the great age of the Vedas or the great age of chivalry, the age of Ramayana. Who was the ideal of womanhood in that age? Sita. Sita still remains the ideal of countless women and girls in this country. And was Sita married at the age of three? No. She selected her own husband after she had come to the years of discretion and she, I have always been told, is the ideal of Indian womanhood. Let us therefore give our little girls, the same freedom and the same chances, that were given to Sita. With these words, Sir, I strongly support the motion of my friend Rai Sahib Harbilas Sarda and oppose the amendment of Mr. Acharya.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, when this Bill was first introduced, I supported the principle of it, which is that some legislation should be resorted to in the totality of the circumstances of the situation to protect children of tender age. I still adhere to that view. I am still of opinion that, in the unfortunate circumstances which exist in the country today, a Bill to restrain marriages at too early ages is needed. I do not desire that this Bill should be dropped; I do not desire that it should be blocked unnecessarily. But having said this, I consider it my duty to invite the attention of the House to the matter that is now before it with a view that it should be judged dispassionately upon the merits. Some times the attitude a particular Member may take up in putting forward a proposal affects the attitude of other Members towards the proposal. Without meaning any disrespect to any friend who has taken part in this debate, I beg Members to look at this proposition in an impartial light. What is the proposal before the House? The amendment moved by Mr. Acharya is that the consideration of the Bill be postponed—not that the Bill be dropped—in order that the evidence which has been collected by the Age of Consent Committee should be made available to this House before it comes to a decision upon it. Now I ask all Honourable Members whether in their own lives, in their own experience, they have ever heard of a judgment alone of a judge of a lower Court being relied upon by any higher or appellate court in order to arrive at a conclusion on the matter dealt with by it. This Assembly is like an appellate court or final court, whichever way you may put it. The Age of Consent Committee was appointed professedly, as the Home Member made it clear, in order that the evidence which it would collect and the opinions it would gather from the people of the country should be made known to the Legislature before it should come to a decision on the principal provisions of this Bill relating to the fixing

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of ages of marriage. The Age of Consent Committee collected evidence which, I understand, has been printed ; they also prepared a Report and that Report is before us ; the Government have supplied us with that Report. I ask every Member to consider whether it is a fair or unfair demand that the evidence upon which the conclusions in that Report have been based should be made available to the Members of this House before they are asked either to accept the recommendations of the Age of Consent Committee or to reject them. That is the whole issue before this Assembly at this moment, and all the remarks which have been made on the merits of the Bill and the opposition which has been shown to the proposal itself, are, I submit with great respect, entirely beside the mark. The point before the House at present is whether this request that the evidence which has been collected should be made available to the House is a reasonable or unreasonable one.

Now, Sir, I wish that, in coming to a conclusion on this matter, Members will bear a few facts in mind. They should bear in mind that this question of the early marriages of children is a very ancient proposition in India. They should also not be carried away by the very lurid and sometimes insulting remarks which have been made in describing the evils of early marriages. No man living is more painfully alive to these evils than I am, but I am grieved that, in discussing this question any Member should exaggerate the evils which are already great in a manner which hurts the feelings of those whom it most deeply concerns. We know that early marriages of children do lead to great evils ; but you must remember from what period these evils have become so glaring and so oppressive as they are at present. This system of marrying girls at early ages, as I have said, is not a new one. Hindus have lived under it for thousands of years ; they prospered under it ; for long time it was not the evil that it becomes in many cases at present. I am anxious, as much as any of my friends here, European, Muslim or Hindu, that the evils of this system should be ended as early as possible. But I wish to act like a surgeon who has to cut out the rotten portion of the flesh : I wish to be scrupulously careful that I do not use my knife carelessly to hurt the flesh that is not rotten ; and I feel that, in discussing this question, the advantages which have accrued, the great advantages, from the system of marriage at an early age have been overlooked, and we have been painted as if we had all along lived in a very rotten state of society. The system of early marriages prevailed even at the time when, not more than a century ago, the Mahrattas re-established Hindu *padshahi* over the greater portion of India. It prevailed when the Rajputs fought for the honour of their race. It prevailed when Guru Govind Singh lived and worked for the freedom of his country. It does exist today, and yet there are thousands, nay millions, of men who are quite as brave as any mortal man to be found anywhere else in the world. I do not wish to be misunderstood. I submit very respectfully and very humbly that none of my brethren present here can be more tenderly solicitous to remove this evil than I humbly claim I am ; but I want everyone to understand that there is another side of the question. I agree that we should do away with or modify this system so as to provide against its evils and in this connection let us remember that early marriage does not always mean early consummation. If it meant that, Hindus would have been swept off the face of the earth by this time ; and in order that we should appreciate the attitude of the Hindus in the past towards this

system, you must go into it with a desire to understand the opinions of those who lived under it. You will find that in the ancient days, when this practice was introduced, there was a psychological reason for the proposition that girls should be married before they had attained puberty. Hindus attach the highest weight to the chastity of women. It was because of this sentiment that they honoured a *sati*, a woman who died on the funeral pyre of her husband, like a deity upon earth. She was honoured because she made the highest sacrifice in life that any mortal could. She was honoured because she lived and died a chaste woman. And so, having this very high regard for chastity, they contracted marriages of girls just at the time when psychologically they would begin to think of amorous ideas. The idea was that, before they grew into womanhood, before they reached adolescence, they should know that there was one particular individual to whom they had been wedded and that all their thoughts should centre round him. Now, Sir, I do not claim that this was a perfect system; I am not advocating a disregard of the wishes of the girl altogether. But what I do plead is that, when you compare one system with another, it will not be so easy to say that this system under which a marriage was arranged by the parents had all the evils and that the systems of late marriages with full freedom of choice exercised by young women, which exist in other countries, have all the advantages on their side. The Rishis laid it down, as they believed it to be on the whole a beneficial system and under this system Hindus lived and prospered for a long time. But for 150 or 160 years, nay, since India came under foreign domination, things have gone from bad to worse. Our religious instruction has been very much absent; the foundations, the organisations which existed to inculcate high ideas of purity and sanctity have been very much wanting. The result has been that we have deteriorated—not deteriorated merely because our girls were married at an early age deteriorated because we came under foreign rule, which is the greatest curse which can befall any country. Under foreign rule the life of a nation is sapped. The religion of the country does not receive sufficient attention. There is no system for imparting instruction in the tenets of religion; there is no organisation for inculcating all those high moral religious and spiritual ideas which constituted the glory of the Hindus in days gone by.....

Mr. E. L. Price : What about the untouchables ?

Pandit Madan Mohan Malaviya : What about the untouchables of England ? But now does that question arise here ? I wish the Honourable Member showed a better appreciation of the question I am dealing with.....

Dr. B. S. Moonje (Nagpur Division : Non-Muhammadan) : What about the untouchables that England has created ?

Pandit Madan Mohan Malaviya : If the remark made by my Honourable friend opposite (Mr. Price) delights him I wish him joy over it. I have no heart to retort, and I am sorry I retorted even to the extent I did. We are talking of serious matters, and I hope that the Honourable Member will be serious for a moment. What I submit is this : We have had this evil growing; girls have been married early; girls used to be married early even before; but the system gave them greater protection; consummation was reasonably delayed. If young men are married sufficiently late and if *brahmacharya* was observed between the period of marriage and consummation, as it was observed in ancient days, there would be much

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less of this evil than you hear of today. The Shastras were better understood and followed before. I so much wish that my people should go back to the purest dictates of the Shastras, and that we lived under the old system, which was not half so bad as it is today. If you have so many deaths from phthisis in India today, do not ascribe them all to the system of early marriages; ascribe them partly to the foreign system of domination. You spend 56 crores every year for maintaining a huge army, but you cannot find sufficient money to promote industries in the country which will give food to the people. You must ascribe the present state of affairs to the profound ignorance that prevails in the country, to the sad neglect of education which has gone on in this country under the present rule in spite of the repeated prayers and protests of the educated community. If my friend over there raises the question of untouchability, let him know that the responsibility for it lies in no small measure upon the British Government in India. (Applause.) (*Some Honourable Members* : "No, no.") I say it does. If we can get power next year, as I hope we will, I assure my friends that within a few years' time the question of untouchability will have been a matter of past history, and the question of the evils of early marriages will also have been a matter of past history.

Sir, my Honourable friend the Home Member never made a more eloquent speech, so far as I am aware, than the one he made in supporting this Bill. I was wondering what the reason for it was, where the fire had suddenly sprung from. I was wondering whether he remembered at the time, while he and other friends were now very anxious to push this Bill through,—because this is the only point under consideration,—who was responsible for the present state of things in the matter of child marriages. In 1823 Mount Stuart Elphinstone wrote in words which ought to be remembered by every administrator, that the surest remedy for removing the evils of child marriage was general universal education. That was in 1823, Sir. We are now in the year of grace 1929. For 106 years the Government which has existed in this country has not found money to promote education among the people throughout the land. What is it but education that makes my friends here, who are supporting the Bill, put forward the ideas that they do? I am certain that my father and my grandfather, as well as the father and grandfather of many of my friends here who have so strongly supported this Bill would have shared the sentiments of those who oppose it. It is the education of the modern type which we have received which has made the whole difference. And if the Government had done their duty in scattering education broadcast in the land among the men and women of this country, we should have not had to discuss this proposition today. Therefore, I submit, Sir, that when my friends who desire to change the existing system, show an inordinate zeal in removing it in a moment, they should remember that the responsibility for the long and painful delay which has occurred in removing it and in improving the existing state of things lies largely at the door of the Government.

I want my European friends to consider this question quite seriously. I do hope that they will take the assurance from me that I want this Bill to pass. I have supported it from the very first; I stand by it today. But I do feel that, in dealing with the proposition which is before the House, they have not shown that attitude of considerateness towards those whom the Bill most concerns, which we should expect from them. In a matter

in which an important section of the Hindu community has convictions as deep as any religious convictions can be, should their feelings be lightly disregarded? No man can deny, whatever differences one might raise about the interpretation of the Shastras, no man who knows the Sanskrit language can deny that the Smritis lay down :

(*Tasmat duivenhayet Kanyam yavannar tumati bhavet.*)—

“ Therefore, a girl should be wedded before she begins to menstruate.”

It does not say consummation should be allowed; it merely says a girl should be wedded before she attains puberty, and if a suitable husband cannot be found, the parents should wait for three more years, that means up to 16. The Shastras allow it. It is the conviction of a large number of men as well educated as any man in this Assembly, some of them are sitting there in the gallery,—men who have come from Madras and Bengal. It is their conviction that it is their duty, in the interests not merely of their souls but also in the interests of their daughters or granddaughters, to settle a marriage and to see it performed before a girl attains puberty. That is their deep conviction. They will feel oppressed if they are not able to do so. They do not put it forward as the plea of an agitator, of a man who wants to create opposition for opposition's sake; they are men of honest convictions. Are we going to trample under foot their convictions? Is it right that this Assembly should ignore what they say? Will it not be right that we should pause to consider if we can reconcile the needs of the welfare of the girls as most of us understand it with the convictions and sentiments of their own parents? It is not a question of a majority or no majority. These being the convictions of a large section of Hindus, a respectable section, whichever you like, what is the duty of Government? The Government are not free; I submit if they want to do their duty, they should say that they will not support the Bill as it stands today, but will support the amendment before the House. If they do not say that, I submit that they will not be doing their duty by the people. The Government have promised that they will not interfere with the personal laws of the Hindus and Mussalmans. They have promised it, and they adhere to that promise to a large extent. Why should the Government now, in a matter of such delicacy, undertake not merely to give their blessings to the measure before the House, but also compel every Honourable Member sitting on the opposite side, who belongs to the Government group, to vote with the Government? I submit it will be immoral if they do so. The whole position has to be realised in order to come to the right conclusion. To my British friends I say, we honour you for your convictions. But place yourselves in our position. Just imagine an Assembly in which as many as you are here are Hindus, and where a question of your domestic law is under consideration, a matter which affects your society, whether it be marriage with a deceased wife's sister Bill or any other measure of that kind.—Imagine what your feelings would be if, while a respectable body of your opinion was opposed to the measure, which was being pressed in an Assembly consisting mostly of say Hindus and Mussalmans, 40 or 50 Hindus or Mussalmans were to put in their whole weight in the scales against you. Who are concerned in this Bill? Hindus, Mussalmans, Sikhs, Christians and Parsis who are living in India. I do not say for a moment you should not help us. I do not suggest that you should not take an interest in the matter. I respect Mr. Price for the deep solicitude which he showed for the welfare of our girls. I regret that he overstated the case, but I submit, Sir, that I am not one of those who spurn the sympathy of my fellowmen among Englishmen. I honour them for

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showing their sympathy with our cause. I respect them. I want their sympathy, but I want their sympathy with a little more consideration for the feelings of those whose views are not in their estimation correct at present. I ask that instead of disregarding the views of those like my friend Mr. Acharya and Mr. Sesha Ayyangar who have pleaded not for dropping the Bill, but for postponing its consideration till January,—I think it is wrong to say that Mr. Acharya, by this motion, whatever his other intentions might be, wants to wreck this Bill, but even if he wishes it he cannot wreck it, because there are so many others who will save the Bill,—the House should respect their views. Nor do I think that Mr. Sesha Ayyangar wants to wreck the Bill altogether, though he has opposed the Bill. The amendment of Mr. Acharya simply says that the consideration of the Bill should be postponed until the evidence collected by the Age of Consent Committee has been made available to the House. The position, therefore, is that you have got some Hindus, not in a majority perhaps, but you have got some Hindus whose sincerity you will not doubt, who plead that the matter should stand over till January next. There is a large number of Mussalmans who say that they are not opposed to the Bill, but they also want more time in order to make sure whether they should lend their support to the Bill. Their attitude is not unreasonable. This Bill affects the marriage laws of both Hindus and Mussalmans. We should allow them reasonable time in dealing with them. We should not deal with them in a hurry and repent at leisure. Therefore I respect the attitude of my Mussalman friends when they say that they want a little more time to consider this matter. In such a state of things, for the Members of Government to say that they will throw in their weight with those who are against this amendment,—if that is their meaning, if I have not misunderstood them and I should be very sorry if I have misunderstood them—I submit is not right. And I appeal to the other Members of this House, both Hindu and Mussalman, in the same sense. I want this Bill to pass with some modifications which I consider necessary. I believe it is needed in the interests of the welfare of our children, but I do think that, while we have allowed so much time to pass, to allow three months more to pass to enable Members of this House to study the evidence which has been collected, and to give an opportunity to those who are opposed to the Bill as it is, to make further representations if they like, will not be a great calamity.

In this connection I should draw attention to the note which Mrs. Rameshwari Nehru has appended to the Report of the Age of Consent Committee which I have read with great respect. She has shown a true womanly heart ; she has shown a womanly appreciation of the vital importance and complexity of the question, and has written as only a woman could write on such a question. I wish every Member to read that note and to read also the other notes to see how very complicated the questions involved in the Bill are. Many amendments have been put forward by earnest men who want the Bill to pass, but they too want to examine the provisions. Further I have been here three days. I have been every morning reading this Report, and I am sorry to say that I have not been able to finish it. I have been reading it of course with care, noting every word in it, and I do not think that all the Members have yet read it. I therefore submit that, in a matter of such great importance, in a matter where Hindu and Mussalman interests are so vitally involved, it will not

be wrong if my Hindu and Mussalman friends, who are earnestly, honestly solicitous that the Bill should be passed at the earliest opportunity, will yet show consideration for the views of those who plead for a postponement till January next, and I hope that they will do so. We have to remember that the most important thing for the success of a measure like this is that it should receive the co-operation of the people. Let the House remember that the system of early marriages has gone on for a long time, and that this is the first time it is going to put a penal legislation on the Statute-book to check it. It is a penal legislation. You are going to pass it for the first time. Is it too much to ask that three months more should be allowed for its consideration? Is it too much to ask that we should have an opportunity, those of us who are in favour of a measure like this, to talk to those who are opposed to it, and try to make them realise what some of us realise the enormity of the evil and the necessity of early action? If we enlist their sympathy, we shall carry the measure through with success, and it will have a beneficial effect in the country. We will go wrong if we start with antagonising an important section—it is not mere numbers that count, it is the quality of men that counts, and among the men who are opposed are men of great weight, of great learning. I differ from some of them in some of these matters,—I am sorry to say that I do not represent their views fully. They know it. I did urge in the beginning that, if we fixed the minimum age at 11, there would be no orthodox opposition in the country. I found that the opinion of the House was not at all in favour of it, I then agreed to Kumar Ganganand Sinha's amendment that it should be fixed at 12. (*An Honourable Member* : "No.") I am not discussing that point now. Have patience please. They do not agree with me in that matter. They do not regard me as representing their views, but I am certain that, if there is more opportunity we may utilise, we should be able to utilise that opportunity to understand each other better and to arrive at conclusions in which the whole-hearted support of every reasonable man in the country may be secured to the measure. Very intricate and complicated questions have been raised. Birth registers, investigation, trial, the employment of the police, punishment, imprisonment and fine—all those are matters of delicate human concerns. If a husband is punished, the fate of the wife has to be considered, as the Committee have considered it. Therefore in all these matters I submit there is great advantage on the side of allowing a little time when there is reason for it. If there was not the evidence already collected, I should not be taking up the time of the House. But there is the evidence available, and I submit that it is therefore nothing but reasonable that this amendment should be accepted, and accepted in the right spirit, accepted generously, as showing an appreciation of the difficulties of those who are at present arrayed against the Bill. I submit these are points which deserve consideration, and I hope they will receive the due consideration of this House. (Applause.)

Mian Mohammad Shah Nawaz : (West Central Punjab : Muhammadan) : Sir, I rise to support the motion that the Bill to regulate the marriage of children, as reported by the Select Committee, which would make it applicable to all communities, be taken into consideration. Sir, the consideration of the Bill was postponed pending the Report of the Age of Consent Committee, of which I had the honour to be a member. The Committee has travelled far and wide and I assure you that the Committee has inquired into the matter with an open mind and with

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absolutely no bias. In fact, before I joined the Committee I was under the idea that the evil of early marriage, early consummation, and early maternity was not so great as it was represented to be. But now, I have seen the things with my own eyes, I have heard the evidence with my own ears. (*An Honourable Member* : "Where is that evidence?"). The evil is widespread and things are far worse than they are described in the Report because we did not think it advisable to excite or provoke unnecessarily the feelings of orthodox people, which though few in number, form an important minority. My Honourable friend Pandit Malaviyaji says that the evil is not so great. But I feel it my duty, as an honest man, as an honest Member of this Assembly that a true statement of most painful affairs must be said in the interest of the public. He says that early marriage does not necessarily mean early consummation. I can believe him that in each and every case early marriage is not followed by early consummation. The Committee which consisted of eight Indians and one European lady has found as a fact that wherever a girl between the ages of 10 and 13 is married to a boy of 18 years or more she is in a majority of cases consummated, before she arrives at the age of puberty. (*Some Honourable Members* : "It is not true".) It is perfectly true of Bengal. (*Cries of "No, no"*.) (*An Honourable Member* : "You have no right to speak of Bengal".)

Mr. President : Order, order.

Mian Mohammad Shah Nawaz : I was a member of the Committee. There is the finding of the Committee. You may accept it or you may not accept it. I say as an honest man and as a judge that this is a true finding. It is a perfectly true fact in Bengal.

Mr. Amar Nath Dutt (Bardwan Division : Non-Muhammadan Rural) : It is not true at all.

(At this stage there were several interruptions from Honourable Members.)

Mr. President : Order, order.

Mian Mohammad Shah Nawaz : You yourself said in your evidence

Mr. President : Order, order.

Mian Mohammad Shah Nawaz : The Honourable Member himself said in his evidence that in many cases there was illegal consummation.

Mr. Amar Nath Dutt : I challenge that statement. On a point of personal explanation, Sir.

Mr. President : Order, order.

Mian Mohammad Shah Nawaz : I am not going to give way, you may rest assured of that. Here is your evidence.

(There were some interruptions.)

Mr. President : Order, order.

Mian Mohammad Shah Nawaz : Sir, this is what the Committee says : "It is admitted on all hands and the fundamental fact is undeniable that early consummation almost inevitably follows early marriage amongst both Hindus and Muslims. It is also established from the evidence that pre-puberty consummation is common and that violations of the Law of Consent occur in many cases". (Page 67 of the Report.)

Well, Sir, in Bihar and Orissa things are quite bad but they are not so bad as they are in Bengal. As I say, we inquired into the matter with an open mind. We invited all evidence, including that of the orthodox men. From Madras the orthodox opinion was strongly against the Bill. Out of those orthodox gentlemen who have come here, many were examined and they were surprised when I identified every one of them and I know the evidence of every one of them by heart. I say that orthodox opinion was perfectly representative and the Hindu opinion except the opinion of a section of the orthodox opinion, is almost unanimously in favour of the Bill. A large body of Mussalman opinion was invited and there was a fair response. Orthodox Muslim opinion was also represented, though it was not so representative as it ought to have been. Muslim opinion on the whole is in favour of the Bill. At its proper time and when the motion of Mr. Rafique to the effect that the Muslim should be excluded from the operation of the Bill, comes before the House I shall read to you what the Muslim witnesses have said. Therefore, Sir, it is quite wrong to say that Muhammadan opinion is adverse to the Bill. We have fully considered the views of all the schools of Muslim orthodox opinion; we have considered their opinions anxiously, carefully and with respect. We had before us the religious laws and marriage laws of Turkey and Egypt and laws of marriage of almost all the civilized countries, and we have come to a definite conclusion and you cannot challenge the honesty of the members of the Committee that this Bill in no way interferes with the religious laws or custom of the Hindus and the Muslim. Sir, I cannot share the view of Pandit Malaviyaji that the evil is not so pernicious and widespread.

Pandit Madan Mohan Malaviya : As some people represent it.

Mian Mohammad Shah Nawaz : I have heard the most shocking evidence. The educated women of India rightly say that they have been the victims of the evil custom of early marriage, early consummation and early maternity. The women of India are most vitally affected by this evil custom. They feel rightly that they are victimised and tyrannised. They claim justice at the Bar of this House.

With these preliminary remarks, I desire to approach the subject with perfect calm and without passion. I will not exaggerate at all. The first objection raised by the opponents of the Bill is that the legislature and the Government have no business to interfere in socio-religious matters. It must be remembered that in every country legislation has been used as a remedy to remove social injustice and other evils of that kind. In matters affecting marriage and consent in particular, I know what is the law. Legislation has been resorted to in almost every civilized country, including Egypt and Turkey. In Egypt, the history of the law of marriage begins from 1864. The Royal Decree of 5th January, 1864, which regulated the law of marriage, prohibited marriage of a boy below 18 and a girl below 15. Under Article 1, however, dispensations were allowed in rare cases by the Khediv on the report of the Minister of Justice. This continued to be the law till 1923 when Law No. 56 of 1923 was enacted. Under Article 2 of Law No. 56 of 1923, a contract of marriage between a boy below 18 and a girl below 16 is absolutely void. In Turkey the age limit which is not subject to any exception, is 15 for the boy and 15 for the girl. There

[Mian Mohammad Shah Nawaz.]

also the marriage is absolutely void. In several Indian States, also, such as Baroda and Indore, such laws have already been in force for some years. The law of *sati* and widow remarriage, the removal of the ban on inheritance by converts and the law of civil marriage, are some of the instances in which legislation has trespassed on customs and religious injunctions.

Well, Sir, it has been argued that this Bill is against the Smritis texts and against the injunctions of Islam. Whatever may have been the origin of the practice of early marriage, it is certain that what counts most with orthodox Hindu society at present is the existence of certain customs. It is an accepted principle of Hindu Law that in a conflict between custom and a Smriti text, custom shall be the rule of decision. There is such diversity of opinion amongst the Hindu theologians as regards the texts that no interpretation can be said to be decisive. The Committee, after a careful examination of the texts, came to the conclusion that the Smritis texts are only recommendatory and not mandatory and are not binding for all times. As regards the Muslim, I can say without hesitation that the principle laid down in the present Bill is not at variance with the Muslim Law of marriage. Now, Sir, the religious law of Islam is derived from four sources, the Qoran, the Hadis, the Ijma and the Kayas. Everybody knows that the Qoran does not prescribe any age for marriage.

There is nothing in the holy book of the Muslim which is inconsistent with the provisions of the present Bill. A Muhammadan father or grand-father may marry a minor boy or a minor girl for the benefit of the girl or the boy, but I regret to say that they are the slaves of the custom of early marriage and have no regard for the welfare of their minor children. The privilege given to them has in most cases been abused.

I now come to the Hadis. It is admitted on all hands that the Prophet desired that girls should be married when they arrived at the age of discretion, that is to say when they arrive at the age of fifteen. So the sayings of the Prophet are not at variance with the present legislation, which is before this House. The third source of religious injunction is the Ijma, *i.e.*, consensus of learned men, both holy and legal men. But unfortunately there is no ijma in this country. (*An Honourable Member* : "Why?") (*Another Honourable Member* : "You should have patience; do not go in for impatient legislation.") The opinion among the Ulemas is so very conflicting. Khawaja Hasan Nizami says that the present legislation which would penalise marriages of girls below 14 is most beneficial in the interests of the Muhammadans, and must be passed and the same are the opinions of Maulana Suleman Nadvi and Maulana Mohamed Ali, who has translated the Qoran. Two witnesses from the United Provinces representing the Deoband school, say, that the legislation can be resorted to but must come from a Muhammadan king. But the present Government, being a foreign Government, cannot make such a law. The future Government of the country will consist of Hindus, Mussalmans and others. Do these learned and holy men mean that, so far as the Mussalmans are

concerned, the evil of early marriage and early consummation is to go on for an indefinite time? Again Maulvi Ahmad Said, the Secretary of Jamiat-Ulma is against the Bill. The last source of religious legislation is the *Kayas*. It certainly favours legislation when once it is proved that it is in the interests of the Muslims. I have referred to the Egyptian and Turkish laws of marriage. We can easily follow the example of Egyptians who like Indian Mussalmans are Hanfis. The weight of Muslim opinion in different provinces is more or less in favour of the present Bill. I will go through the Muslim evidence at the proper time. At present I am debarred by the procedure of the House to go into the details of such evidence.

In the circumstances of this country and the Muslim society, I think the Egyptian law of marriage is the best guide. I am therefore of opinion that this legislation is not in any way inconsistent with Muslim religious law. In fact it is consistent with the true spirit of Islam, namely, that ordinarily a Muslim girl should not be married until she arrives at the age of discretion, so that she should have a voice in the selection of her husband. Brahmins, however, tell us that a Hindu girl cannot possibly have any voice in this matter. She should have no independence.

Pandit Madan Mohan Malaviya : That has its beneficial aspect.

Mr. Muhammad Yamin Khan (United Provinces : Nominated non-Official) : What is your objection to postponement?

Mian Mohammad Shah Nawaz : Postponement will serve no useful purpose. Well, Sir, the Committee finds, that the most effective remedy to check the evil of early marriage and early consummation is to penalise marriages of girls below fourteen years. We know perfectly well, and almost all witnesses have admitted, that the law of the age of consent at 13 has been broken and these cases seldom come to court.

Mr. M. K. Acharya : Where is the evidence?

Mian Mohammad Shah Nawaz : You may say what you like, I remember you perspiring under the weight of cross-examination at Madras when you appeared before the Committee. There is overwhelming evidence that the law fixing the age of consent at 13 has positively been broken and violated. (See page 173 of the Report.) There are thousands and thousands of husbands—it may be a dreadful fact to say so—who have been guilty of crime. This is the finding of the Committee. Are you going to say that this is not correct? (*An Honourable Member* : “Bring in the evidence.”) Sir, when a girl of ten or eleven is married to a boy of eighteen years of age or so, she is constantly tantalised, and the intercourse follows before she is thirteen. Nobody is interested to report the matter to the police; the neighbours do not care for it, and therefore the law has remained a dead letter. Is it not far better to prevent this evil by penalising marriages? Prevention is certainly a better cure in this case. Therefore, Sir, I appeal to you that you must go ahead with this Bill, otherwise you cannot show your face to the outside world. Sir, we have given votes to women to elect members to the Legislatures. They can be members of any local bodies and any legislature. They claim justice, pure and simple. Must they be forced to marry before they arrive at the age of puberty? (*An Honourable*
LACPB(LA)

Member : " Who says that ? ") If you cannot do justice to your women, you are not fit to claim self-government. Must there be pre-puberty marriages among the Hindus ? With leathern heart you refuse rights to women to which they are entitled. No wonder that the educated and young women threaten a revolt. Are you going to destroy the happiness and peace of your homes ? If you will not pass the present legislation, you will do a great injustice to one-half of the population of India. It is no use postponing this important and urgent measure of legislation. The substance of the entire evidence is given in Chapter IV of the Report of the Age of Consent Committee. It is not possible to reduce the age to 12. I am firmly of opinion that Smritis texts or other customs do not stand in the way of this Bill, but if they do, the sooner you get rid of them, the better it will be for the Hindus. (*An Honourable Member* : " On your authority ? ") In conclusion I say that it would be a disaster to exclude the Muslims from the operation of this Bill. With these remarks, Sir, I support the Motion that the Bill be taken into consideration.

Several Honourable Members : The question may now be put.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Well, Sir, in intervening in this debate at a very late stage, my justification is that I want to put before this House, a few considerations against those which have been urged with such great effect by my esteemed leader to my right. (Pandit Madan Mohan Malaviya.) It is always a very painful duty, Sir, to have to oppose, on the floor of this House, a person of his knowledge and learning.

Added to that is the circumstance that I happen to be his deputy on
 5 P.M. my Party, always taking commands from him.
 If I had not felt that it was a part of my duty as a
 Member of this Assembly not merely to record my vote silently against the
 postponement of the motion, I should have very much preferred to remain
 quiet. I can assure the House and my esteemed friend to my right that I
 am 99 per cent. in agreement with what he stated on the merits of this Bill.
 My pain, therefore, in opposing his speech is great, and it becomes still more
 because, I may say, that by instinct, tradition and training I have
 a reverence for the past. I was brought up in very religious surroundings
 and in my early life I sat at the feet of learned Mimanskas and Pandits.
 I have therefore instinctively a great reverence for the point of view which
 they represent on this controversy. I shall therefore not make a partisan
 speech. It is not in my nature, as my Honourable friends who have sat
 with me for years in this House will vouch, to make a partisan speech in the
 evil sense of the word. But I do think that I ought to warn this House that
 it would be most unwise and would lead to no good at all to agree to the
 postponement of this measure. (Hear, hear.) That is the narrow point
 to which I shall address myself, I shall deal with as much reverence as
 I can with the arguments which have been advanced with such force by
 the learned Pandit to my right. I am reminded of a little incident in
 the Mahabharata of a duel between a great sage and his pupil, and I shall
 recall to the Pandit's mind that the fight began by the pupil throwing a
 few arrows at the feet of his Guru, as an indication that it was a part of
 his duty to oppose him with modesty in the contest. The Padit's plea is

—and I do not believe in that please, I wish I could believe in it—that, given a little more time, he expects to get on the side of the Bill the orthodox sentiments of the country. I wish I could feel as optimistic as he does.

Pandit Madan Mohan Malaviya : I pleaded for postponement because of the fairness of allowing the evidence which has been collected being made available to the Members. My main point is that you have collected the evidence and printed it and therefore you should allow Members of this House to read that evidence upon which the Report is based, so that they may judge it for themselves.

Mr. M. E. Jayakar : That was one of the grounds on which the plea of postponement was rested by the learned Pandit in his fascinating speech. I have a note of his argument, and he said that one of the grounds on which postponement was asked was that those who are in favour of this Bill should have the opportunity of reconciling orthodox opinion. He further pointed to the gallery and said that very learned men had come from Madras and Bengal. I too esteem their learning and reverence. He said that he had had talks with them and to a certain extent he agreed with their views but in certain other points did not agree with their views. He made out a very powerful plea with the characteristic fascination which he always exercises over this House that he wanted time to convince the conservative elements. He wanted three months. If I could share his view I would be prepared to give him three years, but my misfortune is that I do not share his hopes that he would be able to get for this Bill the willing support of a large body of orthodox opinion in the country. Incidentally the learned Pandit made a very powerful appeal to the Government Benches. I must frankly say that when he did so, I began to tremble in my shoes. I wondered if the Government would be frightened by the powerful appeal which he made, asking that the Government should not vote on this measure at all. He said that the Government ought to be neutral on questions relating to the personal laws of the Hindus and Muhammadans. As I listened to his powerful speech, I wondered whether the Honourable the Home Member was going to succumb to that plea and walk into the Pandit's attractive parlour.

One ground which the learned Pandit adduced is : let the evidence which the Age of Consent Committee had before them be published. We had a few minutes ago a little foretaste of what controversies that would cause. While the previous speaker was referring to the evidence of only one witness out of several, the challenges went up from some Members on this side that the evidence was not true. My Honourable friend Mr. Amar Nath Dutt got up and said that the statements made by that witness were not true of Bengal. My Honourable friend Mr. Shah Nawaz protested and said that he was going to read from the evidence, but Mr. Amar Nath Dutt retorted that whatever the witness might say, his picture of Bengal was not true. This is a foretaste of future controversies, and I would like to warn the Honourable Members of what would happen on the floor of the House if the plea so well made out by the Honourable Pandit were to be granted. Supposing the evidence before the Joshi Committee is published, then the question will be raised that the evidence is not truthful, that it does not really represent the facts, that it is a one-sided and inaccurate picture. We will then be told—and a gentle beginning of that effort has been made by Mr. Acharya in his alternative amendment,—that all this evidence is one-sided, it is not truthful, it is not an accurate picture.

[Mr. M. R. Jayakar.]

Then, some Honourable Member will get up and move in this House, in the terms of Mr. Acharya's alternative amendment,

"That the Sarda Bill as reported by the Select Committee be recommitted to a new Select Committee composed of Rai Sahib Harbilas Sarda and others with instructions that the Committee do scrutinise the Report of the Age of Consent Committee so far as it deals with the subject matter of the Bill under reference, obtaining, if need be, further evidence from representatives of the communities that will be affected by the proposed legislation."

I am not a prophet, but I have a little instinct in political matters, and I can assure the House that, if we agree to the thin end of the wedge now sought to be introduced, I am clear in my mind that we will be asked, with considerably more plausibility than now, that the evidence laid before the Joshi Committee should be supplemented and reassessed by another committee. Mr. Acharya has already started suggesting that the Joshi Committee was not representative, that Sir Moropant Joshi did not understand female hygiene. If the evidence is published, and I should ask Government to be very cautious in deciding to publish it for this purpose, another cry is sure to go up.

That cry will then take this form, that that evidence is not really the whole picture and that there ought to be another inquiry by an independent Committee of a contradictory character on the ground that the salient facts stated before the Joshi Committee were doubted. Well, Sir, if such a cry should go up, I personally think it would be difficult to meet it. Let us therefore make up our minds now on this Bill, whichever way it is. I do not care whether ultimately we throw this Bill out. If we pass the Bill, well and good, but if we think that this House should never interfere in matters of religion, that the sentiments involved in this question are too delicate for our interference, that the sense of the country does not show itself clearly, that it is doubtful which way public opinion goes, then *cadit quaestio*.

On the last point, I may just point out that in no civilized country has it been recognised that legislation should only be initiated upon clear evidence of favourable public opinion. Even in England it is a very doubtful question whether measures of reform and progress were always based on the clear ascertainment of what public opinion was. All measures of reform, even in advanced countries, have often to be initiated by the few progressives, who think in advance of the times. My Honourable friend Mr. Mulla pointed out to me only this afternoon one instance, and I am much indebted to him first. Take for instance, the case of economic reform in England. Honourable Members will find it stated in Prof. Dicey's book that economic theories of reform began with the initiative of Adam Smith and then the State took them up and passed the necessary legislation. If it is so in England, it is more so in India where there is a large amount of ignorance and illiteracy and Government have per force to make themselves the custodians of progress and advancement. I congratulate the Honourable the Home Member on having risen on this occasion to the full height of the dignity of his mission, as the spokesman of the Government. He spoke on behalf of the Government which, in my opinion, must always constitute and regard itself as the representative of the enlightened sense of the community over which it has been called upon to rule. I must congratulate the Honourable the Home Member on the beautiful speech which he made as the representative of the Government on this question. (Hear, hear.)

The narrow point before us now is this. Are we convinced that this is a good measure? If we are not so convinced, then let us drop the Bill. But if we are convinced that it is a good measure, then it is better to pass it as soon as possible. The cry is now too late, my Honourable friends will realize, that this House has no power to interfere in matters of religion. It is too late to raise that plea. It is too late for my Honourable friend Pandit Madan Mohan Malaviya to say today that too deeply cherished sentiments are involved in this measure and therefore this House should not touch the question. This plea could have been urged with considerably more force, e.g., in 1860. Since that date I can recount at least four cases out of several where even more deeply cherished sentiments of the Hindu community have been interfered with by the predecessors of this House. Honourable Members will be able to recall from the books of the period what great dismay and consternation went up in Hindu society when that piece of legislation was passed by the predecessor of this House—the Old Imperial Legislative Council—when the law was laid down, involving a far greater departure from Hindu sentiment than this humble Bill aims to make, that a member of a Hindu joint family could become a Christian and yet retain all his rights and interests as a member thereof. What greater departure could be made from the spirit of the ancient system of Hindu joint family than this, that a devoted and loyal son of a Hindu father on whose religious activity the father's soul depended for its salvation could espouse Christianity and yet retain his place and rights in the family? What greater inroad could have been made upon the orthodox sentiments of the Hindu people than the provisions of Act III of 1872, whereby a Hindu could momentarily forswear his religion and marry any non-Hindu woman he liked and the next moment after marriage could come back to Hinduism if he chose? What greater invasion could have been made upon Hindu conservatism, than when it was laid down that a Hindu widow could re-marry and retain, except under certain limitations, the property of the first husband or of his family. I could go on multiplying such instances. But I do not wish to do so at this late stage. I could go on giving instances completely justifying the claim of this House that if this House is once convinced—and it is solely the privilege of this House and none else to do so—that progress and enlightenment demand that certain changes should be made in the laws of the country I say that if the House is once convinced that the combined sense of the progressive elements in the country demands that certain changes should be made, then these changes have to be made even if they affect the religious beliefs of certain communities. Speaking for myself, I would be sorry if this House should forswear its claim to be the sole judge of what is right and what is wrong for the country. The House should say to itself, the choice between progress and conservatism is before us, we will choose rightly; we are not going to be frightened by orthodox sentiments. The difficulty of reconciling that sentiment, as I will state in a few minutes, is very great indeed. Just like the Honourable Pandit, I too have had the occasion of meeting a few of the orthodox Pandits, who have arrived in Simla to canvass opinion. I met them with the same sympathy and reverence as my Honourable friend Pandit Madan Mohan Malaviya. I claim to be the product in many ways of the culture of which they are the ancient custodians. I shall always feel very much indebted to the Pandits and the *Mimamsakas* who taught me the *Shastras* and the ancient traditional learning. But I cannot help feeling that their point of view is very different.

[Mr. M. R. Jayakar.]

I revere them for their learning and piety, and have great respect for their purity of life. I shall therefore never be guilty of a single word of irreverence, as some of the speeches made here have been ; but what I feel is that the views of these orthodox Pandits are irreconcilably different from modern ideas. No attempt can, in my opinion, be successfully made within three months, as the Honourable Pandit hopes, nor even within three years—perhaps the next thirty years may suffice—to reconcile their views with ours. We have got definitely to make up our mind how we shall choose between progress and orthodoxy. The two will remain irreconcilable for a long time yet.

I may recall to the minds of my Honourable friends that one member of the deputation went up to the Viceroy, a revered lady, named Lakshmi Ammal, she was a member of the orthodox deputation, and stated to the Viceroy—I am quoting from a report which appeared in a newspaper—

“ Sir, I was married when I was three years of age. My husband's age was 11 years, yet I am healthy and happy ”.

Well, is this House going to adopt this ideal of conjugal felicity ? The point of the thing is this. The texts which are quoted—and one of them was quoted by my Honourable friend to my right—belong to a system of conjugal life which in spirit has long departed from most Hindus. (Hear, hear.) I will yield to none in my admiration for ancient Hindu culture. I agree with the Honourable Pandit when he says that the evils of our social system have been aggravated by the Government refusing to give us free compulsory education. I am not a reformer in the sense that I decry the past. But I do maintain, without any fear of serious contradiction, that the past was a chapter in our evolution and there are parts of it which cannot be revived. The texts quoted and made so much of belong to a scheme of family life which in spirit and essentials long ago departed from Hinduism. These texts have remained like a shell, from which the kernel has gone. These texts belong to an age and system when woman was regarded as an object of perpetual tutelage. The father protected her in infancy, the husband in youth, the son in old age, she was to be always under the protection and tutelage of some one. I do not say it was a wrong scheme of life, it had its own purpose and it served it well in those times. But we cannot revive it now. The spirit of the age is against it. We cannot put life into husk from which life has departed. I am not condemning the past of my country or religion, but my plea is more limited. I say that the spirit of the ancient scheme of life left us long ago and cannot be revived. Even if man wanted to do so, the woman would refuse. As Pandit Madan Mohan Malaviya very rightly remarked in ancient days, she entered matrimony before the sexual passions arose in her. She never troubled to make her own choice, but regarded her husband selected by another as the one person round whom all her affections and loyalty clustered. She regarded her boy—husband as the idol of her affection and love. She was content to accept the choice of her parents and lived contentedly in the protective and affectionate atmosphere of the husband's family. But how many Hindu families can secure her such affectionate and protective atmosphere under modern conditions ? Not many. The other day, I listened to an excellent speech made by the great Bengal patriot, Mr. Shyam Sundar Chakravarthi who is a member of the orthodox deputation. He told me an instance, which I well venture to say is now to be found in very few Hindu families. Few families, under the stress of modern ideas and

economic conditions, have been able to maintain the social and cultural traditions of ancient times, under which alone the system worked. I will relate here the incident narrated by Mr. Shyam Sundar Chakravarti because it is typical of the purity of the ancient family life of Bengal. He said that his mother once saw him talking to his girl wife in secrecy before they had met as man and wife. A severe punishment was meted out to him for that sin. It was then regarded as a sin to talk to a girl wife before consummation. It was bad manners in the sacred atmosphere of the family home. May I know from my orthodox friends, in how many families this atmosphere still survives, and where it does not so survive, whether it is possible to revive it ? Therefore my plea is this. It is no use being guided by Shastras alone in this matter. And turning to my Honourable friend from Madras, Mr. M. K. Acharya, may I say that I was very much surprised that he despised all these demonstrations and propaganda which are being carried on outside the House to secure support for this Bill. My Honourable friend knows that demonstrations and propaganda are recognised means of creating public opinion. I do hope my Honourable friend has not forgotten the days, not long ago, when he himself with another agile friend from Madras, carried on a violent propaganda against Lala Lajpat Rai and my Party in the Punjab at the behest of his then political chief.

Mr. M. K. Acharya : But I never brought out little girls into the streets.

Mr. M. R. Jayakar : My Honourable friend felt pained when he saw these girls shouting "Support Sarda's Bill". Did not his own province use women for political propaganda ? These are recognised methods of propaganda, and one need not affect a pious horror of them. But in the matter of the Shastras, may I say a few words to him. I know a little of the Shastras having learnt them at the feet of well known Pandits. And what are the Shastras ? They are an ocean of learning, one can get texts on one side as well as on the other side. Therefore it is necessary to exercise the caution which an ancient Hindu sage uttered. Confused by the diversity to texts he said that it is not every text of the Vedas that is important but only those texts which accord with our own notion of logic and rationality. I am quoting from a very old commentary on the Vedanta Sutras called *Bhāmāte*. My Honourable friend knows that the Vedanta is considered superior to all Shastras. May I quote to him a Sanskrit verse in translation :

"The Shastras are like jackals and their howls are silenced when the lion of the Vedanta roars."

I am therefore purposely relying on a verse from an old and authoritative book on Vedanta which silences all Shastras. May I quote the original Sanskrit verse for the information of my Honourable friend and his associates from Madras :

"*Tatparyavati shrutih pratyakshat balavati, na shrutimatram*".

Freely translated, the text means that :

"Only that text of the Vedas is to be accepted as of greater authority than the evidence of our senses, and experience, which accords with our notions of logic and rationality ; not every text of the Vedas."

I am quoting a very ancient and not any modern rule of interpretation. I am not putting old wine into new bottles ; I am quoting from a very

[Mr. M. R. Jayakar.]

ancient and perhaps, the most authoritative exposition of the Vedanta, which is ever above all Shastras. The author of this text warns us that we should not be confused by the diversity of texts, but regard only those texts as binding which accord with our own notions of logic and reason. This was said in the course of the process, which often went on in ancient India, when the centre of gravity of religious consciousness was sought to be shifted from authority to experience. This process goes on in every civilized country. In England, *e.g.*, Dean Inge is the most recent exponent of it. Changing from time to time the centre of gravity from authority to experience has been long recognised in Hinduism as a process of adaptation. If I had time, I could give this House many instances. All reformers in the past have tried this process of adaptation why should not we in our time do the same? Therefore let me tell my orthodox friends that we are doing nothing new here. We are doing exactly what India has done in the past, what Hinduism has done from time to time. I am therefore very anxious that this Honourable House and the Government in particular should not be frightened by the array of texts, but should decide the case on merits. If we think that the Bill is bad in principle then it should be abandoned. By all means let us then throw out this measure. But in doing so, I just wish to warn my Honourable friends not to be frightened by the ugly picture of the cataclysm which is said to be likely to overtake society if this Bill were passed. It is very easy to become a Cassandra in these matters. I may tell my Honourable friends that no cataclysm has overtaken society, no great revolution social or religious has taken place in provinces where such Bills have been passed, *e.g.*, Baroda, by Houses far less representative than this House is.

Therefore let us not allow this red herring to be drawn across our path. I agree that it is not a question altogether free from difficulty, but we have to exercise our minds on the question and decide finally. The case of the girl wife and child mother has been long waiting for redress. For two years this Bill has been before the country. My Honourable friends will remember that it first came before the House as a piece of civil legislation, applicable to Hindus only. A Mahomedan Member of the then Select Committee held the view that if we really wanted the Muhammadan sentiment to be in favour of this Bill the age limit must be raised to 14. He was of opinion that if the Bill had to be made penal it should be made applicable to all communities and not to Hindus only, and that if it was to be applied to Moslems the age should be 14, for Moslems rarely married girls before 14. I am therefore very glad that, although at one stage an appearance was being given to the debate as if it was a question between Government and the Hindu Shastras, speakers like my Honourable friend, Dr. Hyder, and Mr. Price interfered and gave a cosmopolitan turn to the debate, showing that it was not a question of the Hindus only but a question of humanity to the girls of India: I am very glad that that turn was given to the debate.

I here wish to tell my Muhammadan friends that they have got to make up their minds. The hope that, given more time, they will be able to bring their orthodox Ulemas to their view, is as vain as the Pandit's optimism of getting the Hindu Pandits round. I personally do not share that optimism. As I said above, the two points of view are different, and if we really want to pass this Bill, we have to judge for ourselves, as the custodians of the country's sense of right and wrong. But let us not be

misled by this specious cry " Oh ! we want to look into the evidence before the Age of Consent Committee ". I have already told the House that if that evidence is published,—and I agree in this matter with my Honourable friend Mr. Shah Nawaz,—it will be a most harrowing piece of information. It will make our hair stand on end. I was not a member of that Committee and did not hear that evidence, but I had friends on that Committee who have told me that that evidence, if published, will be a relentless story of cruelty and selfishness. I am not afraid of that. What I am afraid of is this, that that evidence when published will surely raise a cry for further inquiry. I would challenge anybody to say that I am likely to be wrong in my anticipation. It is sure to raise this cry. Some Honourable Members will then assert that the evidence is only a part of the picture and not the whole, and that therefore the country must have another and more independent inquiry. An innocent-looking amendment of Mr. Acharya's has already made the beginning. He has already doubted the representative character of the Joshi Committee. In an alternative amendment he asks that another Committee should be appointed to take contrary evidence. We shall eventually be drawn into all kinds of bitter controversies and I can assure my Honourable friends that this Bill will then be hung up for another half a dozen years.

Some Honourable Members : The question may now be put.

Mr. President : Is that the general desire of the House ? (*Cries of " Yes, yes " and " No, no ".*)

The Honourable Sir James Orerar (Home Member) : Sir, the debate has now been very prolonged, and we have had all points of view presented before us. In that view of the matter I think the question might now be put.

(*Cries of " No, no ; we will go on ".*)

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Sir, I am glad I caught your eye, and I think I am rather fortunate in that I have got to speak on this subject after the very many eloquent speeches that have been made.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

My task has been rendered very light, as I cannot produce much to add to what has been already said on the subject. I shall therefore be as brief as possible in putting my observations before the House. In the first place I sympathise with the author of this Bill, my friend and colleague, Rai Sahib Harbilas Sarda. I know that he is very sincere in his endeavours to bring about this social reform. He has tried his best to fight for it, and is now facing very strong opposition. There are others too who are as anxious as he is to bring about reforms in their communities through legislation. I can name one of them, Sir Hari Singh Gour. All these reformers, as I have said, are quite sincere in their wishes; and if it had been possible for them to achieve what they want to achieve through platforms and private endeavours, they would not have come to this House for help. But the necessity arises, because there is not a very strong public opinion behind them to back them up in their ideas. There is this difficulty, and that is why they have recourse to this Legislature. I know that there is occasionally strong public opinion on political matters, but the country is very often divided on matters of this sort; and in view of these difficulties, such reforms have to be brought into

[Nawab Sir Sahibzada Abdul Qaiyum.]

this House and discussed here. We thus render ourselves open to the criticism of outsiders by our inability to reform ourselves and even to raise the age of consent by a few years.

I would also like to congratulate Government on their determination to support this Bill. I believe that they are going to adopt a bolder policy for the future in supporting such measures of social reform ; and I trust that they will be consistent and persistent in supporting all measures of this sort that come into this House ; and I shall always wish them—and I think the majority of the House will also wish them—success in their endeavours.

There are no two opinions on the point that this is a very important measure of reform to be introduced, and introduced as early as possible. But I suppose there are other important measures of various kinds, more important I should say than this ; and I trust that the Members of this House and Government will not lose sight of those. I will not try to go into the comparative importance of those measures. Let this Bill, which has been undertaken, be carried through to the end successfully ; but I should like to remind the Government that some of the more important reforms that should be introduced into the country must not be ignored. I would particularly refer to untouchability ; to the communal troubles that are retarding the progress of the nation in many ways ; and to another measure of reform, which they should bring in as soon as possible, namely, prohibition.

(At this stage Mr. President resumed the Chair.)

My friend, Maulvi Muhammad Shafee has already referred to the first and fundamental measure of reform, *viz.*, a general compulsory primary education. That also should not be lost sight of. We shall therefore expect Government to be as vigilant in supporting those measures as they seem to be determined to support this. We should like them to put in Government Bills on all these subjects if possible, but if they do not get an opportunity of doing so, there will be many Members who will be delighted to put in private Bills for this purpose. I need not dilate on the point as to which is the more important measure to be taken up at once ; but if we see that the very people who are now supporting or opposing this measure are the people in whose country untouchability exists and prevails in many ways, whether they be orthodox or liberal, they may be reminded that they had better see to the liberty of fellow human beings walking freely on public roads or taking water from common wells. Early marriage is an evil no doubt, but it is not an evil which can be remedied so soon, or which is so obnoxious and abominable as untouchability or drunkenness or these communal troubles.

To stop early marriages will help the betterment of the coming generations, but I must say that these communal troubles are undermining or rather destroying the peace and happiness of the people, because hundreds of lives are lost through the strikes and communal troubles that are taking place all over the country. Sir, if I suggest any particular measures for stopping these troubles at the present moment, I may perhaps be ruled out by you as out of order. I shall not therefore suggest any remedies for these troubles, but I am sure of one thing, that it will not require a very long and complicated piece of legislation and that a Bill with half a dozen clauses will meet the requirements of the case. In the case of untouchability, all that Government needs do.....

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhamadan) : On a point of order, Sir. Is the Honourable gentleman relevant ?

Nawab Sir Sahibzada Abdul Qaiyum : Government can certainly introduce a small piece of legislation with a few clauses to stop these evils.

In the first place, we must secure for the people the liberty of thought and action. That will not require very elaborate legislation. If we put in one little section in a Bill that all roads and wells will be open to everybody in the country, irrespective of his caste or religion, that cannot be objected to by anybody. Similarly, I think in the matter of prohibition there can be no difference of opinion. If Government were to introduce measures of this character calculated to promote the happiness of the people, they would earn the gratitude of the country, and I can assure the Government that they will be supported wholeheartedly by this House. I do not blame the Government, as some of the speakers who preceded me did and attributed ulterior motives to Government for supporting this measure, because I feel that Government are perhaps quite earnest, and they intend to adopt a bolder policy in the future in matters like these. They have got the representatives of the country in this House behind them. These have been returned by the people of the country, and if Government will only lay matters of this character before the House and discuss them and leave the questions to be decided by the vote of this House, they will be saving themselves from the trouble of appointing Committees and Commissions, taking evidence and spending lakhs and lakhs of rupees over them, because we find that, after all the time, labour and expenditure spent over these Committees, there will still be room, according to my friend Mr. Jayakar, for difference of opinion. Mr. Jayakar thinks that all the evidence that has been collected and taken by the Age of Consent Committee will be of no use if the question has to be reconsidered more patiently and for a longer time. I think my friend Mr. Jayakar is right in thinking that, by postponing the consideration of this measure, it will only complicate matters. If this is so, let there be no Committees, no inquiry and no evidence in future, but matters of this sort should be left to the vote of the Members of this Assembly. The elected members will have to satisfy their constituencies of the correctness of their decisions, and if they fail to satisfy them, that will mean the end of their term ; because the constituencies would see that they return to the Assembly men who are in better touch with their sentiment.

Now, Sir, as regards the Bill itself. I am not an authority to dwell on the religious aspect of it. I will therefore only confine myself to the common-sense point of view. Before I do that, I might as well inform the House that, from a meeting of the Muslim Members of this House, I gathered that they were almost unanimous on the point that, since the Bill, and the Report as well as the evidence, taken by the Age of Consent Committee had not been fully considered by the Mussulmans, it would be better to postpone the further consideration of the Bill until the next session. As my friend Maulana Shafi said, we do not know how this Bill, which was originally meant for Hindu marriages, was made applicable to Mussulmans also. Perhaps, there may have been suggestions from Mussulmans themselves to make the Bill applicable to them as well, but we should like to know who those Mussulmans were who made these

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suggestions, and in what capacity they asked for the application of this measure to Mussulmans. (*A Muslim Member* : " Mr. Jayakar has already told you that Mr. Jinnah was responsible ".) Even in the Agenda the Bill is called the Hindu Child Marriage Bill. (*An Honourable Member* : " That has been changed since ".) It may have been changed in the Committee, but as I said, the Mussulmans have not yet heard how the change came about or how it was made applicable to them. I know that my friends Dr. Hyder and Mr. Shah Nawaz have spoken in support of this Bill and have suggested that it should be taken into consideration all at once, but we must bear in mind the quotation given by my Honourable friend opposite, Mr. Kumar Ganganand Sinha, that even in the body of the Report it is mentioned that a sufficient number of Muslim witnesses had not come forward before the Committee to give their opinion. At least there were very few Muslim theologians, who gave their opinion in support of the change. Khwaja Hasan Nizami is the only person who has been quoted in this connection. But the House knows that he is more of a politician than a theologian, and his opinion I do not think will carry much weight with the orthodox sections of the Mussalmans. The Mussalman representation on the Committee was also in such a proportion as if they were going to secure some jobs for themselves in the services. It is generally one-third or one-fourth of the total seats on such Committees, while in matters like this there should be no fixed numbers. The services are quite different. In services there is the question of loaves and fishes, but in the matter of application of a law to the community I think they must be fully represented, at least more fully than they have been on this occasion.

Sir, my personal opinion on the subject under discussion is somewhat definite and if the Bill ever reaches the final stage or what they call the third reading stage, my Honourable friend Rai Sahib Harbilas Sarada will perhaps find my vote on his side. My personal opinion of it is that it is a very useful measure, a very necessary measure, and that it does not go against our Muslim law of marriage. Of course, that is only my personal opinion. I come from a high class priestly family, but I am ignorant of these religious laws, and as I have said before, I am only taking a common sense point of view of the matter and I base my opinion on the past history of the Mussalmans in this respect. I know that from the very beginning of Islam up to the present day, marriages have been contracted at very tender ages and also at very advanced ages. There is nothing, so far as I know, which prevents a Mussalman from entering into a marriage alliance at a young age or at the advanced age of 100 or even more. That being the case, and there being no special prohibition about it, I think I am allowed to use my own discretion, and according to my discretion, we must fix the limit at some higher age, as it is really an evil and must be put an end to. The Bill as it is, whether you raise the age to 20 or 30 or lower it to 3 or 4, will not affect us much in the North. We do not as a rule go in for these early marriages. As a matter of fact, my family or the clan to which I belong do not enter into marriage alliances before the age of 25 in the case of men and of 20 in the case of women. Whether that is based on religious laws, or on climatic conditions, or on economic reasons, I do not know, but there is one fact which I have noticed and that may have been the principal cause of it. It is that we

have a smaller female population than male population and it is very difficult to find enough wives even for the grown up men. As I have said, it is not very likely to affect us very much, but at the same time I should like the age to be fixed at a higher limit. This is only my personal opinion: But the principal question on which I wanted to speak and for which I tried to catch your eyes is this, whether the postponement of the measure for three months or so in order to enable us to read and consider the Report of the Age of Consent Committee and if possible to see the evidence too will make much difference in the passing of the Bill. I thought that after the very eloquent speech made and the very convincing arguments that were advanced on this particular point, by my Honourable friend the Pandit Sahib, nothing more was needed to convince the House that the world would not change if the matter was postponed for two or three months. The evil, if any, has been there for the last thousand years or more, and if we pass an Act even today it is not likely to bring about any great change in the life of the people in the course of the next three or four months. That is a point which has not yet been made clear and that is why I asked my Honourable friend Mr. Jayakar to throw some more light on the subject. He tried to do so, and his language was very sweet and appealing, but I could not find much substance in his speech. I therefore desire to support the amendment of Mr. Acharya, but if that fails, I shall quite light-heartedly go on with the consideration of the Bill and will perhaps vote for passing the Bill.

Some Honourable Members : Let the question be put.

Mr. President : I have considered the question of closure and I have come to the conclusion that, in view of the grave importance of the question, I should not accept closure at this stage. I am, however, prepared to consider the question once again if Honourable Members are prepared to sit till 10.30 tonight.

(Cries of " Yes ", and " No ".)

The House stands adjourned till Monday next at 11 O'Clock.

The Assembly then adjourned till Eleven of the Clock on Monday, the 9th September, 1929.