

16th September 1929

THE  
LEGISLATIVE ASSEMBLY DEBATES

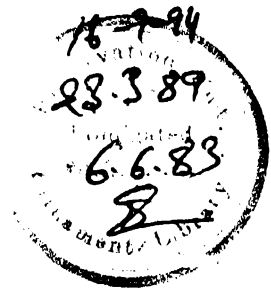
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Volume IV

*(2nd September to 17th September, 1929)*

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FIFTH SESSION  
OF THE  
THIRD LEGISLATIVE ASSEMBLY  
1929



SIMLA  
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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 :*

PANDIT MADAN MOHAN MALAVIYA, M.L.A.

SIR DARCY LINDSAY, KT., C.B.E., M.L.A.

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

MR. JAMNADAS M. MEHTA, M.L.A.

## *Secretary :*

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.

Monday, 16th September, 1929.

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

## QUESTIONS AND ANSWERS.

### ABOLITION OF SERVANTS' COMPARTMENTS ON RAILWAYS.

462. \***Mr. D. C. Stewart-Smith** : Will Government please state whether the Railway Board have taken any decision on the question of the abolition of servants' compartments in their coaching stock ?

**Mr. P. E. Rau** : The question is being considered at present.

### PARTICULARS OF AGRICULTURAL AND INDUSTRIAL EXHIBITIONS, ETC., HELD BY GOVERNMENT DURING THE LAST TEN YEARS.

463. \***Mr. Siddheswar Prasad Sinha** : Will Government be pleased to state, (i) the number of industrial and agricultural exhibitions, fairs, shows, and demonstrations held by Government during the last 10 years, (ii) the expenditure incurred on each of them, and (iii) the number of persons that visited each of them ?

**The Honourable Sir Bhupendra Nath Mitra** : With your permission, Sir, I shall take questions Nos. 463 and 464 together.

The Government of India have no information ; and as in Governors' provinces "industries" and "agriculture" are transferred subjects, the Government of India do not consider that they would be justified in asking Local Governments to collect it. If in these circumstances the Honourable Member desires the information in respect of Local Administrations, it will be obtained and furnished to him.

**Mr. Siddheswar Prasad Sinha** : Will the Honourable Member obtain the information ?

**The Honourable Sir Bhupendra Nath Mitra** : I shall obtain the information in respect of Local Administrations, if that is the desire of the Honourable Member.

### AMOUNT OF GOVERNMENT GRANTS TO EXHIBITIONS AND PARTICIPATION OF GOVERNMENT OFFICIALS THEREIN.

†464. \***Mr. Siddheswar Prasad Sinha** : Will Government be pleased to state the amount spent in giving subsidies, grants, or contributions to industrial or agricultural exhibitions, fairs, shows or demonstrations held through non-official agencies during the last three years ?

(b) Have Government prohibited their officers from participating or co-operating with any of these ? If so, for what reasons ?

†For answer to this question, see answer to question No. 463.

PROHIBITION OF GOVERNMENT OFFICIALS FROM PARTICIPATION IN EXHIBITIONS ORGANISED BY THE INDIAN NATIONAL CONGRESS.

465. \*Mr. Siddheswar Prasad Sinha : Is it a fact that the Government of India have issued an order to all Local Governments prohibiting their Departments and officers from participating in exhibitions organised by the Congress ?

(b) Do Government propose to start industrial and agricultural exhibitions at places where annual Congress meetings are held for the agricultural and industrial uplift of the country ? If so, at what cost ?

The Honourable Sir James Orerar : (a) I would refer the Honourable Member to the reply given by me on the 2nd September to Mr. Gaya Prasad Singh's starred question No. 7 on the subject.

(b) This is a matter entirely within the discretion of Provincial Governments. The second part of the question does not therefore arise.

CASES TRIED UNDER THE CRIMINAL LAW AMENDMENT ACT AND PUNISHMENTS AWARDED.

466. \*Mr. Siddheswar Prasad Sinha : Will Government be pleased to state the number of cases tried under the Criminal Law Amendment Act passed by this Assembly on the 19th September 1927, stating punishments awarded in each case ?

The Honourable Sir James Orerar : I lay on the table a statement giving the information asked for so far as it is available.

*Statement of Prosecutions instituted since the passing of the Criminal Law Amendment Act, 1927, and the punishment awarded in each case.*

Serial No.	Province.	Prosecutions.	Punishment awarded.
1	Bombay ..	Editor, Printer and Publisher of the <i>Majur</i> newspaper of Poona for two articles published in that paper in April, 1928.	Convicted under section 202, I. P. C., and acquitted under section 295-A.
2	Do. ..	Editor, Printer and Publisher of the <i>Aftab-e-Islam</i> newspaper of Ahmedabad for an article published in that paper in March, 1928, entitled "Tasteful Biryani".	Convicted under sections 202 and 295-A, I. P. C., and sentenced to 3 months' rigorous imprisonment and a fine of Rs. 300.
3	Do. ..	(i) Chimanlal Revashanker Joshi, Editor and Publisher, and (ii) Ambelal Paragji Desai, printer of the <i>Hindu</i> of Surat for certain articles and notes published in that paper.	(i) Mr. Joshi was found guilty under section 295-A and was sentenced to 4 months' rigorous imprisonment and a fine of Rs. 300 in default a further term of 4 months' rigorous imprisonment.

Serial No.	Province.	Prosecutions.	Punishment awarded.
4	Delhi	Swami Chida Nand, General Secretary of the All-India Hindu Shudhi Sabha and editor-printer-publisher of the <i>Shudhi Samachar</i> of Delhi for a series of articles offensive to religion.	(ii) The printer Ambelal Paragji Desai was convicted and sentenced to 2 months' rigorous imprisonment under 295-A. On appeal to the High Court he was acquitted.  Convicted under section 295-A., I. P. C., and sentenced to six months' rigorous imprisonment.

NOTE.—The results of three other cases which have been tried or are under trial are not yet known.

**Mr. Siddheswar Prasad Sinha :** Will Government state if they have received any representations from the Arya Samaj, Delhi, or any other institution regarding the book called " A Critical Study of the Life and Teachings of Swami Dayanand " by Mr. Durrani ?

**Mr. President :** How does that question arise ?

†467.\*

AMOUNT OF CONTRIBUTION TO THE RAILWAY POLICE ON THE BENGAL AND NORTH WESTERN RAILWAY MADE BY THE GOVERNMENT OF BIHAR AND ORISSA.

468.\***Mr. Gaya Prasad Singh :** (a) Are Government aware that the Government of Bihar and Orissa have to pay about Rs. 4,00,687 per year for " Railway Police " ?

(b) Is it a fact that, prior to 1919, the cost of the " Railway Police " used to be divided between the Railways and the Local Government in the proportion of 7/10th, and 3/10th, the Railway paying 7/10th, but this rule did not apply to the Bengal and North Western Railway ? If so, why ?

(c) Is it a fact that, after an inquiry in 1918, the Government of India made a new arrangement, under which from 1921-22, the Bengal and North Western Railway paid the Government of Bihar and Orissa only Rs. 14,000 per year, as contribution to the Railway Police ; whereas the said Railway Company used to pay Rs. 19,000 per year formerly ? And have Government received " strong representations " from the Government of Bihar and Orissa with respect to a more equitable adjustment in this matter ?

†This question was withdrawn by the questioner.

(d) Has the attention of Government been drawn to the following statement made on behalf of the Government of Bihar and Orissa in the Local Legislative Council on the 22nd March 1929 :

“ There is a long-standing rule in the Civil Accounts Code that services rendered to commercial departments, and to Government commercial undertakings shall be charged for..... it does seem fair to this Government that the Government of India or the Company (i.e., the Bengal and North Western Railway Company), which gets the profits should not evade payment for services rendered, which enable them to earn them ; and it does seem hard that this Province should receive no portion of the profits, and should be made to pay for a part of the agency instrumental in procuring them ?

(e) Will Government be pleased to say if they propose to bring about a more equitable settlement of contribution in this matter ?

**The Honourable Sir James Orerar :** (a) Yes.

(b) The facts are as stated, except that the system of payment by Railway Companies of seven-tenths of the cost of the entire Railway Police applied to the Bengal and North Western Railway also.

(c) It is a fact that, from 1921-22 onwards, the Bihar and Orissa Government have received only Rs. 14,000 as contribution towards Railway Police, whereas prior to 1921, they received Rs. 19,000. The reason is that, prior to 1919, Government maintained and paid for all police on a railway system and recovered from the Companies seven-tenths of the total charges. The amount of Rs. 19,000, referred to by the Honourable Member, was the seven-tenths share of the total charges on police payable by the Bengal and North Western Railway. With effect from 1919 a new system was introduced, under which the railways had to meet all charges in connection with the “ Watch and Ward ” staff, while Government took over entire financial responsibility for Crime and Order Police, but it was considered reasonable that the Companies should pay to Government, during the currency of their contracts, fixed annual sums equivalent to the difference between what they were paying before and the total cost of watch and ward, the actual sum to be determined in consultation with the Companies when this sum payable by the Company came to be determined, the Bengal and North Western Railway objected to payment of their share of the cost based on the revision of pay which was sanctioned after 1906. Eventually the contribution of the Railway came to be fixed at Rs. 30,000 and this was distributed to the Local Governments on the basis of the mileage traversed by the Railway in their provinces. The proportionate share payable to the Bihar and Orissa Government on this basis was Rs. 13,978. Representations have been received from the Bihar and Orissa Government on the subject.

(d) Yes.

(e) The matter is under consideration. But the question is an intricate one and it will take some time before a settlement can be reached.

#### NATURE OF FACILITIES TO BE ACCORDED BY GOVERNMENT TO A PARTY OF ENGLISH SCHOOL BOYS TOURING INDIA.

469. \*Mr. Gaya Prasad Singh : Is it a fact that, under the auspices of the Public Schools Empire Tours Committee, London, a party of English school boys will come out on tour in India ? If so, how many of them are

coming out, and when ? Do Government propose to provide any facilities to them ? If so, what ?

**Sir Frank Noyce :** Yes. The party, which is expected to number from 35 to 40, is expected to arrive at Bombay on the 29th November, 1929. The question whether the party should be given any special railway facilities is under consideration.

**Mr. Gaya Prasad Singh :** Do Government propose to provide any facilities at all—apart from railway facilities ?

**Sir Frank Noyce :** So far as I know, the only question at present under consideration is whether the party should be given any special railway facilities.

**RECRUITMENT THROUGH THE PUBLIC SERVICE COMMISSION OF THE STAFF OF THE LEGISLATIVE ASSEMBLY DEPARTMENT.**

470. **\*Mr. Muhammad Rafique :** Will Government be pleased to state if it is a fact that all the Departments of the Government of India resort to the Public Service Commission for filling up vacancies in their Departments ? Is it a fact that the Legislative Assembly Department does not get its staff through the Public Service Commission ? If so, why should the Department be an exception to the general rule followed in all other Departments ?

**The Honourable Sir James Orerar :** The normal procedure is as indicated by the Honourable Member. Under rule 5 of the Legislative Assembly Department (Conditions of Service) Rules, 1929, which were published in Part I of the Gazette of India, dated the 31st August, 1929, the ministerial staff of the Legislative Assembly Department may be recruited either from among persons already in Government service or from among persons, who are recognised as qualified by the Public Service Commission.

**FACILITIES FOR THE BOOKING OF RAILWAY PARCELS IN MULTAN CITY.**

471. **\*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** (a) Are Government aware that in Multan City (Punjab) a branch booking office has been opened in Kup by the Railway Department, but parcels are not booked in this office either on tickets or otherwise ?

(b) Do Government propose to consider the advisability of starting booking of parcels at this office also ?

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

(b) I am bringing this question to the notice of the Agent of the North Western Railway, as this is a matter within his competence.

†472—478.\*

**CONSTRUCTION OF A RAILWAY BETWEEN HAZARIBAGH AND STATION ROAD HAZARIBAGH TOWN.**

479. **\*Mr. Ram Narayan Singh :** Will Government be pleased to state the stage at which the proposal for constructing a railway line

†For questions Nos. 472—478 and their answers, see at the end of starred questions for the day.

between the Hazaribagh Road Station and the town of Hazaribagh stands at present? Has the line been surveyed and finally sanctioned?

**Mr. P. R. Rau :** The Survey report has not yet been received from the Agent, East Indian Railway.

#### USE OF DEONAGRI SCRIPT FOR NAMES OF RAILWAY STATIONS IN THE CHHOTA NAGPUR DIVISION.

480. **\*Mr. Ram Narayan Singh :** (a) Are Government aware that the Chhota Nagpur Division is a Hindi speaking area and has *Deonagri* for its script?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons why the names of railway stations on the East Indian and Bengal Nagpur Railways passing through the Chhota Nagpur Division are written in English, Urdu and Bengali characters only and not in *Deonagri*?

(c) Do Government propose to remove this difficulty as soon as possible?

**Mr. P. R. Rau :** I am referring the matter to the Agents of the East Indian and Bengal Nagpur Railways for their consideration and shall communicate later with the Honourable Member.

#### PROVISION OF A RAILWAY STATION AT BIJAULIA.

481. **\*Mr. Ram Narayan Singh :** (a) Are Government aware that the junction of the Chandit-Barkakhana Railway line and the Hazaribagh-Ranchi Road near Ramgirh is a most suitable place for having a railway station for the convenience of the people there?

(b) Is it the intention of Government to make a village called Bijaulia near aforesaid junction, a railway station? If so, what are the reasons for the delay?

(c) Are Government aware that trains stop at Bijaulia to allow passengers to leave or catch the trains there even now, but there is no place nor any means to protect the passengers from the rain and the sun?

(d) Do Government propose to have a regular railway station there at an early date and to remove all the aforesaid troubles?

**Mr. P. R. Rau :** The matter is being referred to the Agent, Bengal Nagpur Railway, and a further communication will be made to the Honourable Member in due course.

#### AGRICULTURAL EXPERTS IMPORTED BY THE GOVERNMENT OF INDIA.

482. **\*Pandit Nilakantha Das :** (a) Has the attention of Government been drawn to the comments under the heading "Foreign expert not wanted" in the *Hindustan Times* of Delhi, dated 2nd September, 1929 (page 10)?

(b) Will Government please make a statement on the subject as to how many experts, on which branches of agriculture or otherwise are being imported, on what pay and covenant, and when?



**Sir Frank Noyce :** (a) Yes.

(b) The Imperial Council of Agricultural Research has under consideration the recommendation of the Royal Commission on Agriculture regarding the use of the cinematograph in the propaganda work of the Agricultural Departments, but the Council, as at present advised, has no intention of getting a Cinematograph Expert from abroad for this purpose. The only expert whom it is at present proposed to import is Expert Adviser to the Council in Animal Husbandry and Veterinary matters. He is being recruited on a five years' engagement on a salary of Rs. 2,500—125—2,750, plus overseas pay of £13-6-8, and the usual Provident Fund terms for specialist appointments.

**DISPOSAL OF TIME-EXPIRED MINING CONCESSIONS AND PROSPECTING LICENCES.**

483. **\*Mr. G. L. Winterbotham :** Will Government be pleased to state when they will announce their decision upon the question of the disposal of time-expired mining concessions and prospecting licences by auction or tender regarding which views of Local Governments and Administrations were sought in Government of India (Department of Industries and Labour) letter No. M.-110, dated the 15th of December, 1926 ?

**The Honourable Sir Bhupendra Nath Mitra :** Further consideration of the proposal to amend the Mining Rules in order to give power to Local Governments to dispose of time-expired concessions by auction or tender has been postponed pending the revision of the existing constitution of India as a result of the recommendations of the Statutory Commission on Reforms.

**CASES REFERRED TO THE RAILWAY RATES ADVISORY COMMITTEE.**

484. **\*Sir Purshotamdas Thakurdas :** (a) Will Government be pleased to state how many cases were referred to the Railway Rates Advisory Committee since the Committee was established, and on how many cases the Committee has submitted its report to the Government of India ?

(b) Will Government be pleased to state on how many cases, reported on by the Railway Rates Advisory Committee, Government have passed orders and how many await decision of the Government of India ?

(c) Will Government be pleased to place on the table a list of cases on which the Railway Rates Advisory Committee has reported and which await the decisions of the Government of India, giving the date of the report of the Rates Advisory Committee in each case ?

(d) Will Government be pleased to state the total net cost incurred by the Railway Rates Advisory Committee since its inception ?

**The Honourable Sir George Rainy :** (a) 28 cases have been referred to the Railway Rates Advisory Committee, six of which were subsequently withdrawn. The Committee has submitted its report on 13 cases.

(b) Government have passed orders on six of the cases reported on by the Railway Rates Advisory Committee. Seven cases await the decision of the Government.

(c) I lay on the table a list of cases with the information asked for by the Honourable Member.

(d) The approximate net cost of the Railway Rates Advisory Committee, since its inception in May, 1926, up to the 31st March, 1929, has been Rs. 4,46,000.

*Cases on which the Railway Rates Advisory Committee have submitted their reports and which await Government decisions.*

Serial No.	Subject.	Date of R. R. A. C. Report.
1	Rates for cotton full-pressed from stations in the Central Provinces to Calcutta.	1-2-29
2	Rates for cotton full-pressed from the Punjab to Calcutta ..	22-1-29
3	Rates for raw materials for the manufacture of glass ..	9-2-29
4	Rates for Myrabolams from stations in the Central Provinces to Calcutta.	27-9-28
5	Rates for piecegoods from Sholapur to <i>via</i> Delhi (for Amritsar)	28-1-29
6	Rates for piecegoods from Sholapur to Delhi .. ..	28-1-29
7	Rates for medicines manufactured in India .. ..	8-2-29

**Mr. Vidya Sagar Pandya :** May I know how long it has been taken for Government to decide on the questions submitted to the Railway Rates Committee in the past ?

**Mr. President :** That question is too general and, too vague. If the Honourable Member wishes to ask a question regarding a particular case, he might do so.

**Mr. M. S. Aney :** What is the average duration of the time taken by the Railway Board in considering any application for referring a particular case to the Railway Rates Tribunal or Committee ?

**The Honourable Sir George Rainy :** I think I must have notice of that, because my mathematical ability is not capable of making a rapid calculation of the average time taken.

**Mr. Vidya Sagar Pandya :** May I quote the case of the Coimbatore firm in the matter of rates for cotton from Coimbatore to various stations ?

**The Honourable Sir George Rainy :** I think that case is still pending before the Advisory Committee.

#### CONSTRUCTION OF A BRIDGE OVER THE CHENAB NEAR CHINIOT.

485. **\*Mr. Muhammad Rafique :** (a) Will Government be pleased to state the date when the construction of a bridge over the Chenab river near Chiniot, District Jhung, was undertaken and commenced ?

(b) What was the estimated cost of construction of this bridge and what was the stipulated period of completion of the work ?

(c) Who was the officer supervising the work ?

(d) Were any tenders invited for the construction of this bridge ?

(e) What was the lowest tender, and if tenders for different kinds of works were invited, what were the lowest tenders in each case ?

(f) Is it a fact that the foundation work of constructing and plugging the wells was entrusted to a private contractor who did not submit any tender ? If so, what was the amount of his tender ?

(g) If the answer to part (f) is in the negative, what is the name of the contractor who was entrusted with the construction work of the bridge, and what was the amount of his tender ?

(h) Did this contractor finish his work within the stipulated time ?

(i) Were the contractors asked to deposit any earnest money as penalty in case the work was not completed within the specified time ? If so, what was the amount ? If not, why was no earnest money taken ?

(j) Is it a fact that the contractor who was given the construction of the foundation wells could not complete his work in time ?

(k) Is it a fact that the work was taken over from him by Government ?

(l) Is it a fact that no penalty was realised from him nor was his deposit, if any, forfeited for the breach of the contract ?

(m) Is it a fact that his materials lying on the spot were purchased from him by Government ?

(n) Is it a fact that this contractor did not pay hundreds of coolies their daily wages ?

(o) Who was the officer who managed all this transaction of giving the work and of cancelling the remaining work ?

(p) Is it a fact that Government have sustained substantial loss on account of his failure ? Is it a fact that, but for his work, the bridge would have been near completion ?

(q) How long is it since Government took the work in their own hands ?

(r) Is it a fact that the work of construction has been suspended for some time past ? If so, why ?

(s) Is it a fact that this delay on the part of Government is causing great inconvenience to the people of the districts ?

(t) When is the work supposed to be completed ?

**Mr. P. E. Rau :** (a) February, 1928.

(b) Rs. 19½ lakhs, including the steel work. The stipulated period for completion of the contract work, i.e., excluding the steel work, was 22 months.

(c) Since the commencement of the work it has been supervised by three different officers.

(d) Yes.

(e) Rs. 6,40,000 for all work excluding the steel work. As the steel work is to consist of second-hand girders taken out of the main line, this work was not to form part of the contract.

(f) No.

(g) Mr. Bhagwan Das Mehra. The amount of his tender was Rs. 7,00,000.

(h) The work was taken away from the contractor before the end of the stipulated time.

(i) Yes, Rs. 10,000.

(j) It was considered most improbable that he would be able to complete his work in time.

(k) Yes.

(l) As it was necessary to ensure the safety of the works before the commencement of the flood season, the contract was prematurely terminated as already stated before a technical breach of contract on the part of the contractor actually occurred. No penalty was, therefore, deducted.

(m) Yes.

(n) Government have no information.

(o) The Chief Engineer, Construction, North Western Railway.

(p) No substantial loss has been incurred but certain indirect losses are bound to accrue, the amount of which cannot at the moment be ascertained. The bridge would have probably been nearer completion if the contractor's work had been carried on more expeditiously.

(q) Seven months.

(r) Only so far as it is necessary to suspend such work during the flood season.

(s) Government have no information.

(t) June, 1931.

#### CAUSE OF CAPSIZING OF A BOAT IN THE CHENAB RIVER NEAR THE CHINIOT BRIDGE.

486 \*Mr. Muhammad Rafique : (a) Is it a fact that recently a country boat carrying 150 men and women capsized near the bridge over the Chenab river near Chiniot ?

(b) Is it not a fact that the overturning of the boat was due to big heavy ropes suspended from over the bridge ?

(c) Who was responsible for suspending the ropes ? Was any man stationed to signal to the boatmen of the danger ahead ?

(d) Have the Railway Board made any inquiry into the matter ?

(e) Has any compensation been paid to the relatives of the dead ?

(f) What was the actual number of lives lost, and what was the amount of money carried by these men ?

(g) What precautionary measures have been taken by Government for the non-recurrence of such a tragedy ?

**Mr. P. B. Rau :** (a) A ferry boat licensed by the District Board capsized while crossing the river. Government have no information as to the number of people it was carrying at the time.

(b) to (g). I understand an inquiry into the accident is being conducted by the local authorities and I am unable to reply to these parts of the question at present.

**PROVISION OF A RAISED PLATFORM AT CHINIOT RAILWAY STATION AND OTHER FACILITIES.**

487. **\*Mr. Muhammad Rafique :** (a) When do Government contemplate the construction of a raised platform at the Chiniot Railway Station?

(b) Is it a fact that there is no light on the station in the early hours of the morning when the first train leaves for Chak-Jhumra ?

(c) Is it a fact that the lavatory tanks in the train are never filled with water ?

(d) Is it a fact that the intermediate and the third class compartments are never cleaned ?

**Mr. P. B. Rau :** With your permission, Sir, I propose to answer this and the next question together. Inquiries are being made from the Agent, North Western Railway and the information will be communicated to the Honourable Member on receipt.

**PROVISION OF A WAITING SHED AND SUITABLE DRINKING WATER AT CHAK-JHUMRA RAILWAY STATION.**

488. **\*Mr. Muhammad Rafique :** (a) Is it a fact that there is no place where the intermediate and third class passengers can take shelter during the summer days at Chak-Jhumra ?

(b) Do Government contemplate the construction of a shed on the platform of Chak-Jhumra Station ?

(c) Is it a fact that there is no arrangement for drinking water at Chak-Jhumra Station and the earthen *gharas* used for drinking water are not cleaned for months ?

**INCONVENIENCE CAUSED BY ABOLITION OF THE POST OF TALLYMAN AT RAM-KRISTOPORE GOLA SIDING.**

489. **\*Mr. Muhammad Rafique :** (a) Will Government be pleased to state if the post of the tallyman at Ramkristopore Gola siding has been abolished ?

(b) Is it a fact that the abolition of this post has caused great inconvenience to the rice merchants of Ramkristopore ?

(c) Is it a fact that after the post was abolished there have been numerous cases of shortage and pilfering of rice bags ?

(d) When was the appointment of the tallyman first made and when did it cease ? What are the reasons which led to the abolition ?

(e) Is it a fact that a representation was made by the local rice merchants to Government for renewal of the appointment? If so, what action has been taken in the matter?

(f) Is it a fact that the mill-owners in the neighbourhood enjoy the service of tallymen? If so, what are the reasons for such differential treatment?

(g) Do Government propose to consider the desirability of appointing a tallyman at the Ramkristopore Gola siding?

**Mr. P. R. Rau :** I would refer the Honourable Member to the reply given by Mr. Parsons to a similar question asked by Rai Bahadur Tarit Bhusan Roy on the 11th February, 1929, and to the information sent to him in Railway Department letter No. 1465-T. of the 12th February, 1929, a copy of which is in the Library.

#### PROMOTION OF SUBORDINATES OF THE RAILWAY ACCOUNTS SERVICE.

490. **\*Mr. S. O. Mitra :** (a) Is it a fact that according to the Memorandum of the Financial Commissioner of Railways, the promotion of the subordinates of the Railway Accounts Service will be made by him on the recommendation of the Controller of Railway Accounts by selection?

(b) Why are Government not following a policy under which all such promotions are made by a non-interested body such as the Public Service Commission in order to stop all jobbery?

(c) Are Government prepared to direct the Public Service Commission to examine the cases of all Accountants and Assistant Account Officers on State Railways for promotion to the gazetted rank and to the Superior Railway Accounts Service immediately?

**Mr. P. R. Rau :** It has always been intended that promotions of subordinates to the Railway Accounts Service will be made by the Financial Commissioner of Railways after consultation with the Public Service Commission. The promotions recently gazetted were so made.

#### PROVISION OF A HOSTEL FOR INDIAN APPRENTICES IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.

491. **\*Mr. S. O. Mitra :** (a) With reference to their reply to my starred question No. 824, in the Legislative Assembly on the 26th February, 1929, will Government please state how the proposal for the provision of a hostel for the Indian "A Grade" apprentices in the Bengal Nagpur Railway Workshops at Kharagpur now stands?

(b) Pending the provision of such a hostel, do Government propose to consider the advisability of reserving for the Indian "A Grade" apprentices now employed at the workshops there a portion of the existing hostel for Anglo-Indian and European apprentices at Kharagpur? If not, why not?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to questions Nos. 491 to 496 and No. 537 together.

I am obtaining information from the Agent, Bengal Nagpur Railway, and will communicate with the Honourable Member on receipt.

**INDIAN APPRENTICES CONFIRMED IN THE RAILWAY WORKSHOPS AT KHARAGPUR.**

†492. \***Mr. S. C. Mitra** : With reference to their reply to my starred question No. 822 in the Legislative Assembly on the 26th February, 1929, Will Government please furnish the following information :

- (1) the number of Indian " A Grade " apprentices confirmed in the Bengal Nagpur Railway Workshops at Kharagpur, since Government answered my question ;
- (2) their names ;
- (3) the workshops in which they have been and are attached to ;  
and
- (4) the dates of their starting and confirmation in the Kharagpur Workshops ?

**INCREMENTS OF INDIAN APPRENTICES CONFIRMED AT THE RAILWAY WORKSHOPS AT KHARAGPUR.**

†493. \***Mr. S. C. Mitra** : With reference to their answer to my starred question No. 821, in the Legislative Assembly on the 26th February, 1929, will Government please state whether the entire probationary period of service of the " A Grade " Indian apprentices on confirmation in the Bengal Nagpur Railway Workshops at Kharagpur is allowed to count towards their usual annual increments in view of the fact that they " have displayed keenness " in learning their work ? If not, why not ?

**PROVISIONS OF THEORETICAL TRAINING FOR CERTAIN INDIAN RAILWAY APPRENTICES AT KHARAGPUR.**

†494. \***Mr. S. C. Mitra** : Is it a fact that there is no arrangement for theoretical training for the Indian " A Grade " apprentices attached to the Loco. Department of the Bengal Nagpur Railway Workshops at Kharagpur ? If not, why not ?

**RATES OF PAY OF EUROPEAN, ANGLO-INDIAN AND INDIAN APPRENTICES AT KHARAGPUR WORKSHOPS.**

†495. \***Mr. S. C. Mitra** : Will Government please state whether it is a fact that the Anglo-Indian and European Apprentices, who are recruited with Indians on the result of the same qualifying examination and test, for training in the Bengal Nagpur Railway Workshops at Kharagpur, are given higher rates of subsistence allowance ? If so, what is the reason for this discrimination ?

**TRAINING AND APPOINTMENT OF EUROPEAN, ANGLO-INDIAN AND INDIAN APPRENTICES AT RAILWAY WORKSHOPS AT KHARAGPUR.**

†496. \***Mr. S. C. Mitra** : (a) Is there any distinction in the manner of training given to the Indian " Grade A " apprentices and that of the Anglo-Indian and European apprentices in the Bengal Nagpur Railway Workshops at Kharagpur ? If so, what is the distinction observed ?

(b) If the answer to part (a) is in the negative, will Government please state whether Anglo-Indian and European apprentices are given better appointments with higher rates of pay, and if so, why ?

†For answer to this question, see answer to question No. 491.

## GRIEVANCES OF INDIANS IN TANGANYIKA.

497. \*Mr. Gaya Prasad Singh : (a) Are Government aware of the resolutions passed at the Tanganyika Indian Conference held at Dar-es-Salaam on the 2nd/3rd April, 1929, and published in the *Tanganyika Opinion* of the 5th April, 1929, at page 12 ?

(b) Are Government aware that the Tanganyika Indian community are opposed to the inclusion of Tanganyika in "any scheme of Federation or Closer Union" in East Africa ?

(c) Are Government aware that Indians are not recruited to higher posts in the Government services in Tanganyika, their recruitment being restricted only to the clerical cadre ?

(d) Do Government intend to take up this matter of the appointment of Indians to higher services with the Colonial Office to make the necessary arrangements in the future ? If not, why not ?

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

(c) So far as Government are aware the facts are as stated.

(d) Yes.

## INDIAN TRADE WITH TANGANYIKA.

498. \*Mr. Gaya Prasad Singh : (a) Have Government seen the leading article in the *Tanganyika Opinion* under the heading "Tanganyikan Trade" at page 7 in its issue dated the 19th April, 1929 ?

(b) Have Government noted that the Indian trade in exports to Tanganyika is considerably reduced in the year 1928 as compared with the previous year ?

(c) Have Government noticed two other leading articles in the *Tanganyika Opinion*, one under the heading "Indo-Colonial Trade" in its issue of the 15th August, 1929, at page 2, and the other article under the heading "Indian Settlement" in its issue of the 19th April, 1929, at page 11 ?

(d) Will Government please state the reasons that have led to such a long delay in the matter of the appointment of Trade Commissioners in the Colonies ?

(e) Do Government propose to give effect to the recommendations of the Meek Trade Mission ? If so, when ?

The Honourable Sir George Rainy : (a) Yes.

(b) The Government note the figures quoted in this article, indicating that imports from India into Tanganyika decreased in value in the calendar year 1928 by a little more than 5 per cent., as compared with the previous year. I may, however, mention that the Indian sea-borne trade accounts, which are for fiscal years, show a steady increase in exports from India to Tanganyika since 1926-27. These figures are as follows :

					Rs.
1926-27	..	..	..	..	43.42 lakhs.
1927-28	..	..	..	..	50.01 lakhs.
1928-29	..	..	..	..	58.94 lakhs.



(c) Yes.

(d) The Scheme for the appointment of Indian Trade Commissioners abroad was placed before the Standing Advisory Committee for the Commerce Department two days ago. Now that the opinion of the Committee has been received, the Government will lose no time in coming to a final decision.

(e) The Trade Mission made several recommendations, some for the consideration of the Government and others for consideration by the Cotton Textile Industry. I lay on the table a copy of a letter which the Government of India recently addressed to the Bombay Millowners' Association, which explains the attitude of the Government towards the principal recommendations of the Mission.

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LETTER No. 1509-C. (69), DATED SIMLA, THE 19TH AUGUST, 1929, FROM MR. H. A. F. LINDSAY, C.I.E., C.B.E., I.C.S., JOINT SECRETARY TO THE GOVERNMENT OF INDIA, TO THE SECRETARY, THE MILLOWNERS' ASSOCIATION, BOMBAY.

"I am directed to refer to your letter No. 1068/50, dated the 31st May, 1929, in which you submitted for the consideration of the Government of India the views of your Association on the Report of the Indian Trade Mission, and in reply to state as follows.

2. With regard to the first recommendation of the Mission for the appointment of Indian Trade Commissioners at Mombasa, Durban and Alexandria, I am to explain that this proposal is being considered along with those submitted by the High Commissioner for India in London for the appointment of similar officers in Europe and the United States of America. The whole scheme is an important one involving considerable expenditure and is being carefully examined in all its aspects. This examination will necessarily take some time, but the Association may rest assured that no undue delay will take place in coming to a decision and issuing the necessary orders on the subject.

3. The second recommendation deals with improvements to be made in the finish, packing, sampling, making up, etc., of goods for export. In this connection it is stated by the Mission that Indian exporters fall short of the standards set by their competitors, and that Indian exporters would find it to their great advantage to meet the requirements of the various markets in these respects. The Government of India note that the recommendations of the Mission on these points are receiving the detailed consideration of your Association as regards both the home and export markets, and they will be glad to know in due course the conclusions arrived at. They also note that the third recommendation of the Mission, namely, that a combined selling organisation should be established by millowners as a means of accelerating India's export trade, is receiving the earnest attention of your Association, that a system of co-operative buying of Iraq cotton has already been agreed upon by a number of Mills spinning finer count yarns and that some progress has been made in the blanket and grey goods trade with East Africa and in the yarn trade with Egypt and the Levant. The Government of India are glad to learn of the progress already made, and will be interested to hear in due course what further progress is possible on the same or similar lines.

4. The fourth recommendation deals with the question of the establishment of a combined bleaching, dyeing and printing plant in Bombay with Government assistance. This is a matter which concerns the Department of Industries and Labour, and the relevant extract from your letter has been forwarded to that Department for consideration.

5. A further communication will be addressed to you in regard to paragraph 5 (2) of your letter concerning import duties on Indian cotton piece-goods in East Africa, Iraq and Egypt. I am however to invite a reference to this Department letter No. 539-T., dated the 11th May 1929, in which the result of the representations already made to the Portuguese Government in respect of the duties levied in Portuguese East Africa was communicated to your Association.

6. The views of the Association on the extent of the possible markets for Indian piece-goods have been noted."

RESOLUTIONS PASSED BY THE EAST AFRICAN INDIAN NATIONAL CONGRESS  
AT MOMBASSA.

499. \***Mr. Gaya Prasad Singh** : Has the attention of Government been drawn to the Resolutions passed at the Mombassa Session of the East African Indian National Congress held in April, 1929, and published in the *Tanganyika Opinion* dated the 26th April, 1929, at page 8-B, and of the 3rd May, 1929, at pages 4 and 9 ? Has any action been taken on any of those resolutions ? If so, what action ?

**Sir Frank Noyce** : The reply to the first part of the question is in the affirmative. As regards the second and third parts, the attention of the Honourable Member is invited to the reply to the short notice question asked by Pandit Hirday Nath Kunzru on the 10th instant. The Resolutions passed, which relate to the Hilton Young Commission's Report, have been under very careful consideration, and the Honourable Member may rest assured that the views and wishes of India will be duly brought to the notice of the authorities.

MEMORANDUM OF THE TANGANYIKA INDIAN ASSOCIATION AT DAR-ES-SALAAM.

500. \***Mr. Gaya Prasad Singh** : Has the attention of Government been drawn to the Memorandum of the Tanganyika Indian Association at Dar-es-Salaam presented to Sir Samuel Wilson and published in the *Tanganyika Opinion* in its issue of the 10th May, 1929, at pages 8, 9, 10 and 11 ? Have Government taken any action on the lines indicated in it ?

**Sir Frank Noyce** : The reply to the first part of the question is in the affirmative. The matter is under consideration.

RACIAL DISCRIMINATION ON BOARD THE STEAMSHIP "KHANDALLA."

501. \***Mr. Gaya Prasad Singh** : (a) Has the attention of Government been drawn to the correspondence published in the *Tanganyika Opinion*, dated the 5th July, 1929, at page 12, under the heading "Awful Mismanagement on 'Khandalla'...." and another correspondence in its issue of the 6th August, 1929, at page 2, under the heading "Colour Bar on 'Khandalla' " ?

(b) Are Government aware that S.S. 'Khandalla' is a B. I. Steamer plying between Bombay and Durban ?

(c) Are the dining arrangements on board the S.S. 'Khandalla' inspected by a Medical Officer of the British India Steam Navigation Company ?

(d) Can Government throw any light on the principle followed by the British India Steam Navigation Company in regulating the dining tariff ?

(e) Are Government aware of the racial discrimination which exists on board the steamers ; and do Government propose to take steps to remedy it ?

**The Honourable Sir George Rainy** : (a) Government have seen the articles referred to.

(b) Yes.

(c) to (e). Inquiries are being made and the result will be communicated to the Honourable Member.

**RACIAL DISCRIMINATION AGAINST INDIANS BY THE GOVERNMENT OF CONGO-BELGE.**

502. \***Mr. Gaya Prasad Singh** : (a) Have Government seen the letter in the correspondence column under the heading " Race Discrimination in Congo-Belge " and a leading article under the heading " The Toll of Colour " both published in the *Tanganyika Opinion*, dated the 5th August, 1929, at page 2 ?

(b) Have Government received any representations from the Indian Association, Dar-es-Salaam, and if so, what steps have Government taken or propose to take in this matter of racial discrimination by the Government of Congo-Belge against Indians ?

(c) Have Government addressed any reply to the Indian Association, Dar-es-Salaam, on the subject ; and, if so, to what effect ?

**Sir Denys Bray** : I have not been able to obtain a copy of the paper, but from the answers we have just heard, I have ascertained whether I can obtain it. Government have no information on the subject beyond that contained in a recent representation from the Indian Association, Dar-es-Salaam, on receipt of which His Majesty's Government were at once addressed.

**Mr. Gaya Prasad Singh** : Why did you not ask me for a copy ?

**REPRESENTATION OF INDIANS IN THE LEGISLATIVE COUNCIL AT TANGANYIKA.**

503. \***Mr. Gaya Prasad Singh** : (a) Has the attention of Government been drawn to a leading article published in the *Tanganyika Opinion* dated the 7th August at page 2 under the heading " Council Nominations " ?

(b) Is it a fact that out of the 10 unofficial members under the Tanganyika Order in Council only 3 Indian members have been nominated to the Legislative Council, while 7 are European members ? Do Government propose to take steps to redress this injustice to Indians ?

**Sir Frank Noyce** : (a) Yes.

(b) As regards the first part of the question, Government have no information beyond what has appeared in the newspapers. With regard to the second part, Government are considering the whole position in connection with the Hilton Young Commission's Report, with a view to bring this matter also to the notice of the authorities.

**APPOINTMENT OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES OF THE GOVERNMENT OF INDIA.**

504. \***Mr. Abdul Latif Sahib Farookhi** : (a) Is it a fact that as a result of the 1926 Examination, 18 candidates were declared qualified for the First Division of the Imperial Secretariat and attached offices out of which only 2 were Muslims ?

(b) Is it a fact that one of these, Mr. Abdur Rahim, has since been appointed to the Indian Audit and Accounts Service ?

(c) If answer to part (b) is in the affirmative, will Government please state the total number of Muslim candidates hitherto qualified for the First Division, excluding Mr. Abdur Rahim ?

(d) Will Government state how this number will be adequate to meet the communal requirements of the several Departments of the Government of India and the attached offices ?

**The Honourable Sir James Crerar :** (a) Nineteen candidates have been declared qualified, of whom three are Muslims.

(b) Yes.

(c) The total number of Muslim candidates hitherto qualified is 57.

(d) As I recently stated in answer to another question, the percentage of Muslims in the Secretariat has increased greatly during recent years, and I anticipate a further improvement during the next few years as the result of the orders issued by the Government of India.

#### APPOINTMENT OF MUSLIMS IN THE SECRETARIAT AND ATTACHED OFFICES OF THE GOVERNMENT OF INDIA.

505. **\*Mr. Abdul Latif Sahib Farookhi :** (a) Is it a fact that the Public Service Commission have been asking the Departments of the Government of India and their attached offices to make their own arrangements owing to the paucity of Muslim candidates qualified for the First Division ?

(b) Is it a fact that the Departments and their attached offices are unable to redress their communal inequalities as there is a paucity of Muslim candidates qualified for the First Division ?

(c) If answers to parts (a) and (b) are in the affirmative, are Government prepared to take any steps, in accordance with the promise contained in the Home Department Notification No. F. 160|27-Public, dated the 22nd March, 1927, so as to enable the Departments of the Government of India and their attached offices to meet their communal requirements ?

**The Honourable Sir James Crerar :** (a) If the question refers to permanent appointments, the answer is in the negative.

(b) The Public Service Commission have not yet exhausted their list of qualified Muslim candidates who are available for nomination to permanent vacancies.

(c) Does not arise.

#### RESOLUTION OF A BAR CONFERENCE AT LAHORE *re* APPLICABILITY OF SECTION 30 OF THE CRIMINAL PROCEDURE CODE TO THE PUNJAB.

506. **\*Mr. Abdul Haya :** (a) Are Government aware that a Bar Conference was held at Lahore in March last ?

(b) Were copies of the resolutions, passed at the said Conference, forwarded to Government ?

(c) Is it a fact that the Bar Conference has, by means of a resolution, urged that section 30 of the Criminal Procedure Code should not in future apply to the Punjab and for this purpose the Criminal Procedure Code should be amended ?

(d) Is it a fact that section 30 of the Criminal Procedure Code was made applicable to the Punjab when it was a non-regulated province ?

(e) Do Government propose to bring forward an official Bill early for making the necessary amendment in the Code of Criminal Procedure ?

(f) If the answer to part (e) is in the negative, will Government please state reasons ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) Copies of some of the Resolutions passed have been forwarded to Government.

(c) Government have not received a copy of this Resolution.

(d) An answer in the affirmative is substantially correct, though to attain complete historical accuracy, some further elaboration not appropriate in an answer to a question would be necessary.

(e) No.

(f) The matter is one for the Local Government to consider in the first instance. The power conferred upon certain Local Governments by section 30 is discretionary.

**GRANT OF A PASSPORT TO MOHAMED NASIR OF NOWSHERA.**

507. \*Mr. Abdul Haye : (a) When, by whom and under what circumstances was a passport granted to Mohamed Nasir of Nowshera, who is reported to have made an attempt on ex-King Amanullah Khan's life in Italy ?

(b) Is Mohamed Nasir a British Indian subject ? If not, what is his nationality ?

**Sir Denys Bray :** I have ascertained from His Majesty's Consul at Venice that the Italian authorities recently arrested two British Indians, one of whom was Muhammad Nasir, holder of a passport issued in Peshawar in 1925, and the other B. Chandra Bose, holder of a passport issued in Rangoon in 1924, on the ground that their conduct was suspicious, and ordered their deportation to India. I have no information of the nature of the suspicion entertained by the Italian authorities against them, but am pursuing the inquiries further. There is nothing in my information to suggest that there has been any attempt on the life of ex-King Amanullah in Italy.

**NOTICES AND ADVERTISEMENTS PUBLISHED IN NEWSPAPERS BY THE GOVERNMENT OF INDIA.**

508. \*Mr. Siddheswar Prasad Sinha : (a) Do Government publish notices and advertisements in newspapers ? If so, with what object ?

(b) If the reply to part (a) be in the affirmative, will Government please state the number of notices and advertisements published during last L11CPB(LA)

3 years, the number and names of papers in which they were published, and the cost and object of such publications ?

**The Honourable Sir James Crerar :** (a) Yes—mainly to call for tenders, or to invite applications for posts, or to publish as communiqués information on subjects of general interest to the public.

(b) Government are not prepared to collect this information.

#### SUPPLY OF GOVERNMENT REPORTS, ETC., TO NEWSPAPERS.

509. **\*Mr. Siddheswar Prasad Sinha :** (a) Will Government be pleased to state the number of newspapers that are supplied with copies of Government Reports, Gazettes, and communiqués free of cost (specially the newspapers in Bihar and Orissa, if any) ?

(b) What is the object of these supplies ?

(c) What is the criterion which makes a newspaper eligible for this concession ?

(d) Is it the intention of Government to subsidise newspapers by giving them notices, etc., for publication, or by supplying them with free copies of some Government publications ?

**The Honourable Sir James Crerar :** (a) The publications of the Government of India are supplied, free of cost, to newspapers on the basis of a standing distribution list drawn up by the Director of Public Information, with such modifications as may be considered necessary to meet the special needs of each Department. The number of newspapers at present borne on the standing distribution list is 26, one of which is published in Bihar and Orissa.

Copies of Press communiqués issued by the Government of India are supplied only to those newspapers who have representatives at the headquarters of the Government of India and have been admitted to the Press Room of the Government of India. It is not the practice to supply newspapers with copies of Press communiqués by post.

(b) For the convenience of newspapers and in order to keep the public in touch with the activities of the Government.

(c) In regard to the supply of Government reports, etc., the criterion is the circulation of the newspaper ; in regard to communiqués, the practice is explained in the reply to part (a) of the question.

(d) No, Sir.

#### PUBLICATION OF CONFIDENTIAL DOCUMENTS BY NEWSPAPERS.

510. **Mr. Siddheswar Prasad Sinha :** (a) Has the attention of Government been drawn to the Bihar and Orissa Government's letter No. 1029-G., published in the *Searchlight* of Patna of the 26th June last ?

(b) Are Government sure that the same procedure has been adopted by other Local Governments when newspapers have published " Confidential Documents " ?

(c) If the reply to part (b) be in the negative, are Government prepared to issue a circular letter prohibiting such procedure as they did by Mr. Haig's circular No. D.4181, with a view to make the action of all

Local Governments uniform ? If not, will Government state the special reasons for issuing Mr. Haig's circular ?

**The Honourable Sir James Crerar :** (a) Yes.

(b) and (c). The matter is within the discretion of Local Governments, with which the Government of India do not propose to interfere.

**Mr. B. Das :** May I inquire, Sir, if the Honourable the Home Member considers that the steps taken by the Bihar and Orissa Government are quite proper in this matter ?

**The Honourable Sir James Crerar :** I think, Sir, that is a question of opinion.

**Mr. B. Das :** May I ask the opinion of the Government of India whether they approve of the steps taken by the Bihar and Orissa Government ?

**The Honourable Sir James Crerar :** I think, Sir, the Honourable Member is not entitled to ask me for an opinion.

**Mr. Siddeeshwar Prasad Sinha :** Is it a fact that the document referred to in the letter of the Bihar and Orissa Government was the Report of the Local Government submitted to the Simon Commission ?

**The Honourable Sir James Crerar :** I must have notice of that question. I have no information.

**Mr. B. Das :** Have the Government of India taken similar action in any case to that taken by the Bihar and Orissa Government for publishing confidential documents ?

**The Honourable Sir James Crerar :** I should not like to give a definite answer to that question without an opportunity of ascertaining the facts.

**APPOINTMENT OF MR. K. M. HASSAN, AS DEPUTY DIRECTOR OF LABOUR (RAILWAYS).**

511. **\*Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that Government are contemplating the appointment of a Deputy Director of Labour (Railways) ?

(b) Is it a fact that Government are contemplating the appointment to this office of Mr. K. M. Hassan, Statistical Officer of the East Indian Railway ?

(c) Is it a fact that Mr. K. M. Hassan, Statistical Officer of the East Indian Railway, was at one time serving as Assistant Traffic Superintendent on the North Western Railway ?

(d) Is it a fact that this officer was made to resign on pain of removal from service ?

(e) Will Government please state the grounds of his resignation and all facts relating thereto ?

(f) Is it a fact that this officer appealed against this decision to the highest authorities and that these appeals were rejected ?

(g) Is it a fact that this officer was re-appointed on the personal recommendation of Sir Michael O'Dwyer (in consequence of a personal

interview) and for "meritorious" services during the martial law regime at Amritsar ?

(h) Will Government state the nature of these "meritorious" services ?

(i) Is it a fact that this gentleman appeared as a witness in certain martial law cases against the accused ?

(j) Will Government please state what special qualifications are possessed by this gentleman in regard to Labour matters ?

(k) Are Government aware that the rumour of the appointment of Mr. Hassan as Deputy Director of Labour is causing indignant protest among the rank and file of the workers on State Railways ?

**The Honourable Sir George Rainy :** (a) The Honourable Member is presumably referring to the post of Deputy Director of Establishment which it is proposed to create. It will not fall within the duties of the incumbent of the post to deal with labour questions.

(b) Government have appointed Mr. Hassan to this post.

(c) Yes.

(d) Yes, in April 1918.

(e) It was held that he was guilty of gross insubordination for having brought serious charges against a senior officer which were unfounded.

(f) Yes.

(g) Mr. Hassan was not reappointed on the personal recommendation of Sir Michael O'Dwyer, but in consideration of commendable conduct during the disturbances at Amritsar in April, 1919.

(h) Mr. Hassan made heroic efforts to save the life of Mr. Stewart of the National Bank. He also did his best to persuade the rioters from destroying property in the railway city booking and parcels office. His action saved a considerable amount of Government property. He prevented the destruction of the Octroi Office and Octroi Superintendent's house, and gave shelter to the Octroi Superintendent and his family in his own house.

(i) Yes ; the Commission, in the course of their judgment, remarked that they considered "his conduct had been very creditable throughout".

(j) As already stated, he will not be concerned with labour questions. Having worked in District Office and the Headquarters Office of the Traffic Department and as Assistant Agent of a Railway, Mr. Hassan possesses greater experience of establishment questions than most officers of the requisite seniority for the post of Deputy Director, Establishment.

(k) No.

**Mr. D. K. Lahiri Chaudhury :** Will the Honourable Member state whether Mr. Hassan is acting as a Government spy, and whether he is giving information to the police against his colleagues ?

**The Honourable Sir George Rainy :** I have no information on that point, Sir.



**Mr. K. Ahmed :** Is the Honourable Member, Mr. D. K. Lahiri Chaudhury, entitled to put such a question without any authentic information received by him ? Is he entitled to put such a defamatory question contrary to the Rule and Standing Order of this Assembly ? Honourable Members must realise their responsibility when putting questions, and from my experience of the Assembly during the last nine years this sort of question has not been allowed.

**Mr. D. K. Lahiri Chaudhury :** The Honourable the President has allowed the question.

**Mr. K. Ahmed :** That may be on account of oversight. I am bringing to the notice of the Honourable the President.....

**Mr. D. K. Lahiri Chaudhury :** Is the Honourable Member entitled to say that it was by oversight that the President ruled this question in order ?

**Mr. K. Ahmed :** A question of this description is not allowed in the House of Commons and, in this Assembly also we have got precedents when it was not allowed.

**Maulvi Muhammad Yakub :** Is it a fact that the case which resulted in Mr. Hassan's resignation was the result of a private squabble between him and the District Traffic Superintendent over purely social matters ? Is it also a fact that the District Traffic Superintendent was also degraded to an Assistant Traffic Superintendent and transferred to the Eastern Bengal Railway ?

**The Honourable Sir George Rainy :** I have not gone into the merits of the previous case. When Mr. Hassan was reappointed to Government service in 1918, quite clearly the understanding must have been that the past was wiped out. Therefore I have not attempted to go into the merits of the case on account of which Mr. Hassan was originally discharged.

**Maulvi Muhammad Yakub :** Is it also a fact that the Oetroi Superintendent, whose life and property Mr. Hassan saved during the martial law days, was a Hindu gentleman ?

**The Honourable Sir George Rainy :** I am quite prepared to take that from the Honourable Member.

**Maulvi Muhammad Yakub :** Does such humanitarian act disqualify a person who is otherwise qualified for promotion in Government service ?

**The Honourable Sir George Rainy :** No. Once Mr. Hassan was reappointed to the Railway Service, he became eligible for any appointment for which his experience and qualifications fitted him.

**Mr. Muhammad Rafique :** Is it a fact that Mr. Hassan was specially selected for the post of Assistant Agent in 1924 and, later on, as Statistical Officer for both the East Indian Railway and the late Oudh and Rohilkund Railway ?

**The Honourable Sir George Rainy :** I know he was specially selected as a Statistical Officer in the East Indian Railway. I have no information about the earlier appointment mentioned by the Honourable Member.

**Mr. Muhammad Rafique :** Is it a fact that Mr. Hassan's evidence during the martial law days was confined to a murder case only committed near his house and nothing else ?

**The Honourable Sir George Rainy :** I am afraid I cannot answer that question without notice.

**Mr. Muhammad Rafique :** May I ask whether the service sheets of the officers of the Railway Department are open to inspection by the Members of this House ?

**The Honourable Sir George Rainy :** I should imagine not. If the Honourable Member will draw my attention to any facts suggesting that it is so, I shall certainly look into the matter.

**Mr. Muhammad Rafique :** Are not the questions sufficient to draw your attention to this fact ?

**Mr. President :** Maulvi Muhammad Yakub. (Next question.)

**Diwan Chaman Lall :** I wanted to put some supplementary questions on this question, Sir.

POLICY OF GOVERNMENT *re* APPOINTMENT OF MUSSALMANS IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

512. \***Maulvi Muhammad Yakub :** (a) Will Government be pleased to state fully, definitely and unequivocally their policy and attitude about the appointment of the Mussalmans in the various Departments of the Government of India, including the Department of Industries and Labour ?

(b) Will Government be pleased to state clearly and precisely what really they meant by placing the Muslim nationals in India in the category of minority communities ? Is it the intention of the Government of India that seven crores of Mussalmans should be treated in the same manner and receive the same, or even smaller, share in the Central services as other small minorities in the country ?

(c) Will Government be pleased to state if the intention and the policy underlying the Home Department Memorandum No. F. 176/25, dated the 5th February, 1926, will be carried out if in the name of minorities all the concessions and employments would go to small minorities in this country to the exclusion of the Muslim nation ?

(d) Will Government be pleased to state if the Memorandum mentioned in part (c) has succeeded in securing for the Mussalmans an adequate share in the Central services, and especially in the different branches of the Department of Industries and Labour ?

(e) If the answer to part (d) is in the affirmative, will Government be pleased to state how many permanent appointments, excluding the peons, were made in all the Departments under the Government of India since the publication of that memorandum, pointing out particularly the appointments in the various branches of the Department of Industries and Labour, and how many of them were given to the Mussalmans, Sikhs and other minorities ?

(f) If the answer to part (d) is in the negative, do Government propose to make a thorough inquiry about the attitude of the different heads of different Departments of the Government of India towards the Mussalmans, and provide sufficient methods and means which would ensure the Mussalmans their adequate and proper share in the Central services and the different grades and classes thereof ?

**The Honourable Sir James Crerar :** (a) and (b). It would not be possible to answer the Honourable Member's questions fully within the

compass of reply to questions, and I must, therefore, refer him to the full statements of policy made by Sir Malcolm Hailey on this subject in the Legislative Assembly on the 10th March, 1923, and by the late Sir Alexander Muddiman in another place on the 2nd March, 1925.

(c) The reply is in the negative.

(d) As I stated in reply to question No. 282 on the 10th instant, the percentage of Muslims in the Secretariat has nearly doubled between 1911 and 1927 and there is no reason to think that the Memorandum has failed to promote its object.

(e) A statement showing the number of permanent appointments made to the clerical staff of the Secretariat from February 1926, to the end of 1928, to communities is laid on the table.

(f) I have already informed the Honourable Member that I shall be glad to receive any suggestions he may have to offer.

*Statement showing the number of permanent appointments, etc., made in the clerical staff of the Departments of the Government of India from December 1926 to end of 1928.*

Departments.	Number of permanent appointments including confirmation of officiating and temporary men filled otherwise than by promotion or confirmation of men already holding permanent posts in the office.*	Number of appointments in the previous column filled by						Remarks.
		Hindus.	Muhammedans.	Europeans and Anglo-Indians.	Sikhs.	Indian Christians.	Other communities.	
1. Army ..	21	11	6	2	1	1	..	* Appointments made in one office of persons already holding permanent appointments in another office should be included.
2. Commerce ..	4	2	..	1	..	..	1	
3. Education, Health and Lands.	4	4	..	..	..	..	..	
4. Finance ..	16	10	2	..	1	..	..	
5. Foreign and Political.	16	6	5	4	1	..	..	
6. Home ..	13	9	4	..	..	..	..	
7. Industries and Labour.	14	8	3	..	1	2	..	
8. Legislative ..	2	2	..	..	..	..	..	
9. Military Finance.	10	13	3	..	2	1	..	
10. Railway Department (Railway Board).	28	17	7	3	..	1	..	
Total ..	137	85	30	10	6	5	1	

**Maulvi Muhammad Yakub :** The statements made by Sir Malcolm Hailey and the late Sir Alexander Muddiman referred generally to the representation of minorities, while my question refers specifically to the policy of the Government relating to the share of Mussalmans in the Government services. Therefore the statements to which my Honourable friend refers do not apply to this question. I want an answer to my question.

**The Honourable Sir James Crerar :** I think the statements of policy to which I have referred apply to all minorities.

**Maulvi Muhammad Yakub :** Am I to understand that the Government propose to put the seven crores of Mussalmans on the same footing and in the same category as other small communities in this country ?

**The Honourable Sir James Crerar :** I am sure the Honourable Member will realise that I could not possibly reply to his answer by a full affirmative or negative.

REVERSION FROM THE PATNA HIGH COURT TO DISTRICT WORK OF A MEMBER OF THE BIHAR AND ORISSA JUDICIAL SERVICE.

513. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that a member of the Bihar and Orissa Judicial Service was appointed to a Judgeship of the Patna High Court, at the beginning of this year ?

(b) Is it a fact that it has been decided to revert him to district work now ? If so, why ?

(c) Do Government propose to appoint another member of the Bihar and Orissa Judicial Service to this post ? If not, why this change of policy ?

**The Honourable Sir James Crerar :** (a) An officer of the Bihar and Orissa Judicial Service was appointed to act as an Additional Judge of the Patna High Court from the 1st December, 1928, till the commencement of the High Court's vacation of 1929. He was not appointed to a permanent judgeship.

(b) The period for which he was appointed has expired and he has therefore reverted. On appointment he was informed that, if future vacancies occurred, he would have no claim to supersede judges who were senior to him. At the time he was appointed several judges senior to him were on leave.

(c) Government are not yet aware whether the appointment will be continued. For the answer to the second portion of this question, the Honourable Member is referred to the last portion of my answer to (b).

**Mr. Gaya Prasad Singh :** Are Government aware that a member of the Indian Civil Service who was appointed on the Patna High Court Bench at the same time has not been reverted to district work ?

**The Honourable Sir James Crerar :** I am unable to say whether the Honourable Member's information is correct or not.

**Mr. Gaya Prasad Singh :** It is correct. I can give you the name of the Judge. His name is Mr. James.

Are Government aware that at present there is not a member of the Provincial Judicial Service on the Bench of the Patna High Court ?

**The Honourable Sir James Creer :** I believe that that is the case.

**PAY OF MINISTERIAL ESTABLISHMENT OF CIRCLE OFFICERS OF THE ARCHAEOLOGICAL DEPARTMENT.**

514. \***Kumar Ganganand Sinha :** (a) Is it a fact that the memorial submitted by the ministerial establishment attached to the Circle offices of the Archaeological Department for the revision of their scales of pay was not at all considered by Government ? If so, what are the reasons ?

(b) Is it a fact that, before 1927, Provincial Archaeological Offices were under the administrative control of the respective Local Governments, under whom the Superintendents were supposed to serve ?

(c) Had not then the ministerial officers an opportunity to move the Government of India through the Local Governments for granting time-scales of pay similar to what had already been granted by the Local Governments and also a chance of receiving the support of the forwarding authorities ?

(d) Since the Director General of Archaeology in India has been made the controlling and administrative authority of the Provincial Offices, has not this opportunity been lost ?

(e) Is it not the result that they are neither treated as entitled to the Provincial scales of pay nor on the same basis as the Central Offices ?

(f) Do Government propose to make necessary arrangements for further inquiries into the matter ?

**Sir Frank Noyce :** (a) Government received no memorials except from the ministerial establishment of the Superintendent, Archaeological Survey, Eastern Circle. As these memorials received full consideration, the latter part of this portion of the question does not arise.

(b) No.

(c) Yes, but there was, of course, no certainty that petitions so forwarded would receive the support of Local Governments.

(d) The procedure is the same as before, except that petitions now reach the Government of India through the Director General instead of through the Local Governments.

(e) In fixing rates of pay, regard is had to rates of pay prevailing locally for analogous work, as well as to rates of pay granted for such work in other Central Departments.

(f) No.

**CONTRIBUTION FROM INDIA TO THE APPEAL ISSUED ON BEHALF OF SIR RONALD ROSS.**

515. \***Lieut.-Colonel H. A. J. Gidney :** Is it a fact that the Standing Finance Committee has approved of the Government's proposal to pay £2,000 as India's contribution in response to the appeal recently issued in

England by eminent medical men to set Sir Ronald Ross free from financial difficulties ?

**Sir Frank Noyce :** Yes.

**Lieut.-Colonel H. A. J. Gidney :** With reference to my question, will the Honourable Member kindly inform this House whether it is a fact that during the Great War many Generals received gratuities ranging from £20,000—£50,000 for meritorious services rendered during the War which meant the taking of thousands of lives ?

**Sir Frank Noyce :** The Honourable Member is evidently in full possession of the answer to his question.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member inform this House whether the Government of India is prepared to increase their donation from £2,000 to Rs. 200,000 for an officer who has been the means of saving millions of lives in India ?

**Sir Frank Noyce :** The amount was fixed after very careful consideration of all the facts of the case.

**Mr. Jamnadas M. Mehta :** Is this amount to be submitted to the Assembly for a supplementary grant, or is it to be used by reappropriation ?

**Sir Frank Noyce :** I should like to have notice of that question. I can only say off-hand that the proposal has been approved by the Standing Finance Committee, but I cannot say whether the amount is being met by reappropriation or not.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member be prepared to recommend to Government an increased donation from £2,000 to rupees two lakhs ?

**Sir Frank Noyce :** It is not for the Secretary of a Department to make recommendations of that kind to Government.

#### SERVICE RENDERED TO INDIA BY SIR RONALD ROSS.

516. \***Lieut.-Colonel H. A. J. Gidney :** (a) Is it a fact that Sir Ronald Ross has rendered invaluable and distinguished service to India in regard to his research work on malaria ?

(b) Is it a fact that his research work has been the means of saving the lives of millions of malarial stricken people in India and elsewhere ?

**Sir Frank Noyce :** (a) Yes.

(b) There is no doubt that his discovery of the method of transmission of malaria infection has proved of immense benefit not only to India but to humanity.

**Lieut.-Colonel H. A. J. Gidney :** Arising out of that answer, will the Honourable Member state whether the Government of India, in accepting the great service rendered by Sir Ronald Ross, will show their appreciation by making a donation of two lakhs ?

**Sir Frank Noyce :** I have already answered that question.

#### AMOUNT OF MILITARY PENSION PAID TO MAJOR ROSS.

517. \***Lieut.-Colonel H. A. J. Gidney :** Is Major Ross in receipt of a military pension ? If so, what is the amount ?

**Sir Frank Noyce :** Yes. The pension is at a basic rate of £430 per annum. This rate is subject to alteration on account of a rise or fall in the cost of living as compared with the year 1919 and at present Sir Ronald Ross is drawing about £410 a year.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member state whether he is prepared to recommend an increased pension to Sir Ronald Ross ?

(No answer was given.)

**TRANSHIPMENT ARRANGEMENTS FOR THROUGH BOOKED RAILWAY PASSENGERS.**

518. **\*Mr. E. L. Price :** Will Government be pleased to state whether any effort is made to enable air-mail letters to catch rail connections at junctions where transhipment is necessary ? If so, why are not similar efforts made on behalf of through-booked passengers ?

**The Honourable Sir Bhupendra Nath Mitra :** Air mails are usually conveyed along with inland mails by the regular mail trains. These trains can be detained for a limited time at junction stations when necessary to ensure connections being made. In four exceptional cases where the ordinary mail service is not used for air mails, the Railway Administrations concerned have agreed to detain certain trains for longer periods to connect with passenger trains carrying air mails. Passengers who have booked through on both mail and passenger trains have the benefit of any detentions which take place. Government do not contemplate any indiscriminate extension of these detentions in favour of through booked passengers travelling by ordinary or slow trains, as this would disorganise all railway time tables and would cause inconvenience to the travelling public in general.

**Mr. E. L. Price :** I want to ask a supplementary question on that, Sir. The answer was not quite clear to me. Am I to understand that the railways do not care whether through-booked passengers get their connections or not ?

**The Honourable Sir George Rainy :** No, Sir. The Honourable Member was good enough to draw the attention of the Railway Department to a case in which apparently serious inconvenience was caused to through booked passengers. I shall do my best to see what the causes were and to ascertain whether it may be possible to issue instructions which will prevent such inconvenience in future. But I am pretty sure that the remedy does not lie in an indiscriminate detention of the connecting trains. If we are to find a remedy it must be in some other way.

**Mr. B. Das :** Is it a fact that the air mail never arrives in India at the correct time and so it is difficult for the Railway Department to connect railway trains to the air mail ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not think the Honourable Member's impression is correct. At the same time before I can give the Honourable Member a categorical answer I should require notice of that question. For the present I have given him an answer with reference to my recollection of the facts of the case.

**Mr. B. Das :** Is the Honourable Member aware that recently one air mail went down and there was consequently no connection with the railway ?

**The Honourable Sir Bhupendra Nath Mitra :** That is a different matter altogether—the air mail going down and being destroyed and its arriving at Karachi late.

#### TIME TAKEN FOR MAILS TO REACH SIMLA FROM CERTAIN STATIONS.

519. **\*Mr. E. L. Price :** (a) Will Government be pleased to state the time it takes mails at present to reach Simla from Delhi, Lahore, Ambala and Kalka ?

(b) Is no improvement possible ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The time occupied in the transit of mails to Simla varies from 13 to 14½ hours in the case of Delhi, from 12 to 15 hours in the case of Lahore and from 7 to 9 hours in the case of Ambala, according to the particular mail trains by which the posts are carried to Kalka. The transit from Kalka of mails originating there is, approximately, six hours.

(b) An acceleration could be secured only at a cost wholly disproportionate to the volume and importance of the mails involved.

**Mr. E. L. Price :** Would it not be possible to get the morning mail in the morning before breakfast ?

**The Honourable Sir Bhupendra Nath Mitra :** I am afraid not, without incurring an amount of expenditure wholly disproportionate to the volume and importance of the mails involved.

**Mr. E. L. Price :** Am I to understand that the Simla mails are of no importance ?

**The Honourable Sir Bhupendra Nath Mitra :** I never made any such suggestion, Sir. I said that the expenditure would be disproportionate to the volume and importance of the mails involved.

**Mr. E. L. Price :** Ah ! (Laughter.)

#### LENGTH AND FREQUENCY OF TRAINS ON THE NORTH WESTERN RAILWAY.

520. **\*Mr. E. L. Price :** (a) Will Government be pleased to state whether passenger trains on the North Western Railway are made up so large that they require two locomotives to pull them and often far exceed the length of existing platforms ? If so, why ?

(b) Has the question been considered whether coaching traffic would be as economically and more conveniently catered for by more frequent trains, of length not exceeding that of platforms ?

**Mr. P. B. Rau :** I am inquiring into the matter and will let the Honourable Member have the information in due course.

**Mr. E. L. Price :** Does that apply to both (a) and (b).

**Mr. P. B. Rau :** Yes.

**Mr. E. L. Price :** My question has not been answered.

**Mr. P. B. Rau :** It obviously depends on circumstances. There are limits beyond which either course would be uneconomical.

**Mr. E. L. Price :** I am afraid I cannot hear that.



**Mr. President :** Will the Honourable Member repeat his answer ?

**Mr. E. L. Price :** I do not think the answer was worth catching anyway. (Laughter.)

**Mr. B. Das :** Is that a proper expression for the Honourable Member to say that the answer was not worth catching ?

**APPOINTMENT OF LOCAL MUSLIMS TO OFFICES OF THE ROYAL AIR FORCE IN THE NORTH WEST FRONTIER PROVINCE.**

521. **\*Mr. Muhammad Ismail Khan :** (a) Will Government be pleased to state the total number of clerks serving at present in all the Offices of Royal Air Force in the North West Frontier Province and the number of Muslims among them ?

(b) Will Government be pleased to state what steps they propose to take to reconcile the disproportion, and whether non-Muslim and non-resident clerks are imported for service in those offices in preference to local qualified Muslims ? If so, why ?

**Mr. G. R. F. Tottenham :** (a) I supplied the Honourable Member with information on this subject last May, but owing to a mistake the figures for Quetta also were included. The correct figures are 34, of whom 11 are Muslims.

(b) Government do not consider that the proportion of Muslims is unreasonable. The units of the Royal Air Force are liable to move from station to station and there is therefore no question of importing outsiders or of fixing the establishment on the basis of the population of any particular station.

**Nawab Sir Sahibzada Abdul Qaiyum :** May I know what is considered to be the minority community in the North-West Frontier Province. Is it the Mussalman or non-Mussalman ?

**Mr. G. R. F. Tottenham :** I must have notice of that question.

**Nawab Sir Sahibzada Abdul Qaiyum :** I simply want to know which is the minority community in the North-West Frontier Province, the Muslim or non-Muslim ?

**Mr. G. R. F. Tottenham :** I do not think that is a proper question to put to the Army Secretary.

**APPOINTMENT OF MUSLIMS IN MILITARY GRASS AND DAIRY FARMS.**

522. **\*Mr. Muhammad Ismail Khan :** (a) Will Government be pleased to state the total number of clerks serving in the Military Grass, and Dairy Farms, and of Assistant Supervisors, and Overseers in India, and the number of Muslims among them ?

(b) Will Government be pleased to state what steps they propose to take to prevent the preponderance of members of one community in the Department, and for increasing the number of Muslims according to their due share of communal representation on their population basis in India ?

**Mr. G. R. F. Tottenham :** (a) and (b). I lay on the table a statement giving the information asked for by the Honourable Member.

	Number of Indians.	Number of Muslims.
(i) (a) Clerks .. .. .	208	48
(b) Supervisors, Assistant Supervisors and Overseers .. .. .	154	45

(ii) I would refer the Honourable Member to part 2 (a) of the statement laid on the table on the 30th January, 1929, in reply to his question No. 289. The orders referred to are still being observed.

#### COMMUNAL REPRESENTATION IN APPOINTMENTS IN THE PROVINCES AND THE CENTRAL DEPARTMENTS.

523. \*Mr. Muhammad Ismail Khan : Will Government be pleased to state whether they have authorized Local Governments in India to fix the proportion of communal representation in their respective Provinces, and prohibited some of the Departments under the Government of India to abstain from reserving a fixed proportion for a particular class, and if so, why ?

The Honourable Sir James Orerar : The Government of India have not adopted the practice of fixing the proportion of communal representation in the Services or in the offices under their control. The policy of the Government of India, as has been explained on many occasions before, is to prevent the preponderance of any one class or community. No instructions have been issued to Local Governments in the sense suggested by the Honourable Member.

#### REPRESENTATION OF THE MUSLIM COMMUNITY OF PESHAWAR ON THE PESHAWAR CANTONMENT BOARD.

524. \*Mr. Muhammad Ismail Khan : (a) With reference to the reply given by Government to my question No. 253, asked on the 25th February, 1929, will Government be pleased to state whether the Muslim nominated member of the Peshawar Cantonment Board is a permanent resident of Bannu or of Peshawar Cantonment ? If he is a resident of the former, will Government be pleased to state how such a member can be considered to represent the Muslim community of the Peshawar Cantonment ?

(b) Do Government propose to consider the protests submitted by the Muslim community against him, and when his term of his office expires, to see that a suitable Muslim of the Cantonment is appointed ?

Mr. G. R. F. Tottenham : (a) and (b). Government have no information regarding the permanent place of residence of the member in question, nor have they received any protests against his nomination from the Muslim community of Peshawar Cantonment. As, however, the member was nominated by the Local Administration with the concurrence of the General Officer Commanding-in-Chief, the Command, I will forward a copy of this question and answer to the Local Administration for such action as they may consider necessary.

#### APPOINTMENT OF MUSLIMS OF THE NORTH WEST FRONTIER PROVINCE AS TRAFFIC INSPECTORS ON THE NORTH WESTERN RAILWAY.

525. \*Mr. Muhammad Ismail Khan : (a) Will Government be pleased to state the total number of Traffic Inspectors sanctioned by the North

Western Railway Administration for the Punjab and the North West Frontier Province last year, and the number of Muslims of the North West Frontier Province appointed ?

(b) What were the considerations on which the appointments had been given to the non-Muslims, and Muslims in both the Provinces ?

**Mr. P. E. Rau :** There are 36 posts of Traffic Inspectors on the North Western Railway. These are not allotted by provinces. Promotions to these posts are regulated by fitness for the duties of Traffic Inspector and not by considerations of community or domicile.

APPROPRIATION OF A BUNGALOW IN PESHAWAR CANTONMENT.

526. **\*Mr. Muhammad Ismail Khan :** (1) With reference to the appropriation of Bungalow No. 2, Roos Keppel Lane, Peshawar Cantonment, will Government be pleased to state if it is a fact :

(a) that the date of the service of notice of appropriation was as far back as the 9th November, 1926, and

(b) that the payment of arrears of rent was considerably delayed by Government ?

If so, why ?

(2) Do Government intend to issue instructions to the authorities concerned to pay the rents more promptly in such cases ?

**Mr. G. E. F. Tottenham :** 1. (a) Yes, Sir.

(b) I have no information whether there was any delay on the part of the local authorities. I am making inquiries and will inform the Honourable Member of the result. \*

2. Government cannot undertake to issue instructions until they know whether there is any need to do so.

PROPORTION OF MUHAMMADANS RECRUITED BY THE RAILWAY ADMINISTRATIONS IN SIND AND IN THE PUNJAB.

527. **\*Mr. Muhammad Ismail Khan :** (1) Is it a fact that the Bombay Government fixed a proportion in Government service for the Muslims ?

(2) If the answer to part (1) be in the affirmative, will Government be pleased to state whether the Railway Administration of the North Western Railway in Sind admits Muslim candidates in the same proportion for training in the various branches of the service ? If not, why not ?

(3) Is it a fact that the Railway Administration in the Punjab are also not admitting Muslims for training in the various branches of the service in accordance with the proportion fixed by the Provincial Government for Muslims in Government Services ?

**Mr. P. E. Rau :** Railway Administrations are expected to follow the policy laid down by the Government of India in this matter, and not the practice of the Local Governments in the provinces through which the railways may pass. The Agent, North Western Railway, has been instructed in regard to the policy of the Government of India to prevent a preponderance of any one community in railway services, and Government have no

reason to believe that this policy is not being followed on the Railway. This policy does not require recruitment from provinces or particular communities in any fixed proportions.

PROPORTION OF MUSLIMS EMPLOYED BY THE POSTAL DEPARTMENT IN THE  
NORTH WEST FRONTIER PROVINCE.

528. \***Mr. Muhammad Ismail Khan** : (1) With reference to the reply given by Government to starred question No. 608 on the 19th February, 1929, will Government be pleased :

(a) to place on the table a copy of the standing orders issued by the former Post Master General, Punjab and North West Frontier Province giving his reasons for the recruitment of 80 per cent. Muslims in the Department and stopping further recruitment of non-Muslims in the North West Frontier Province till the percentage of the former reached a reasonable limit, and

(b) to state the ground on which the standing orders under reference have been cancelled ?

(2) Will Government be pleased to state why the claims of the 95 per cent. population in that province are being overlooked in the Postal Department, and what steps do Government propose to take to prevent the preponderance of non-Muslims in this Department ?

**The Honourable Sir Bhupendra Nath Mitra** : (1) (a) The orders referred to are no longer in force, and Government do not consider that any public interest would be served by laying a copy of them on the table.

(b) The orders were cancelled as they were not in conformity with the general policy of Government as regards recruitment.

(2) Government do not admit that the claims of Muslims in the North-West Frontier Province are being overlooked in the Postal Department. They have already issued such orders as they considered necessary to prevent the preponderance of any one class or community in Government service and are not at present prepared to take any further steps in the matter.

**Mr. Gaya Prasad Singh** : Do Government propose to prohibit the admission of non-Muslims into public schools and colleges so that the supply of qualified non-Muslim candidates for services under Government may be cut off at the very root ? (Laughter.)

**The Honourable Sir Bhupendra Nath Mitra** : I shall require notice of that question. The answer will have to be given not by me but by my friend representing the Education Department.

**Nawab Sir Sahibzada Abdul Qaiyum** : May I know how the principles laid down in the circular referred to, regarding the special representation of the minority communities in the services are enforced and how those principles are carried out in the provinces where the Muslims happen to be in the majority ?

**The Honourable Sir Bhupendra Nath Mitra :** In the case of the Central services the Muslim community is taken as constituting one of the minority communities throughout India.

**Nawab Sir Sahibzada Abdul Qaiyum :** Then does it mean that the Mussalmans in the North-West Frontier Province will be entitled to only one-third in Government services in their own Province ?

**The Honourable Sir Bhupendra Nath Mitra :** I am afraid my Honourable friend is under some misapprehension. The reservation of one-third for minority communities is intended to guard against the preponderance of any class or community in Government services. There is no bar to the Mussalmans in the North-West Frontier Province or in any other province securing a larger share of the appointments if they succeed in getting through the ordinary channel of recruitment of subordinates in the Postal Department.

**Nawab Sir Sahibzada Abdul Qaiyum :** But if they are only one-third in the whole of India, then do I understand rightly that in respect of the services which are dealt with by the Central Government they will always be treated as a minority community, whether they are in the North-West Frontier Province, Baluchistan, or the Punjab and Bengal ?

**The Honourable Sir Bhupendra Nath Mitra :** For the purposes of preventing the preponderance of any class or community in Government services, they are treated under the existing orders as a minority community in the Central services in all parts of India.

**Nawab Sir Sahibzada Abdul Qaiyum :** Then do I understand that the principles of the Nehru Report are being followed in the matter of services from to-day ?

**The Honourable Sir Bhupendra Nath Mitra :** I do not know, Sir. In fact the orders of the Government of India were issued long before the Nehru Report saw the light of day.

**Nawab Sir Sahibzada Abdul Qaiyum :** May I know, Sir, if I am not right in understanding that the orders of the Government of India in this respect were simply to reserve for the minority communities one-third of the appointments which are directly dealt with by the Government of India at the centre and not in the outlying provinces where these services were to be dealt with like ordinary subjects in those provinces ?

**The Honourable Sir Bhupendra Nath Mitra :** The Postal Department, Sir, is a Central service, and the orders of the Government of India refer to Central services. There is no question of non-transferred subjects in the matter.

**Nawab Sir Sahibzada Abdul Qaiyum :** Is it not a fact that by the appointment of a separate Postmaster General, the Punjab and the North-West Frontier Province are constituted into a separate circle or Province for the purposes of these services ?

**The Honourable Sir Bhupendra Nath Mitra :** I think the Honourable the Home Member has already said that that fact constitutes no difference according to the orders of Government now in force, and I think he has also said that if any Member of the House has any representations to make to him in regard to the modification of those orders,

he will be pleased to consider such suggestions carefully. That being so, I submit that these supplementary questions do not arise.

**Nawab Sir Sahibzada Abdul Qaiyum :** Do I understand that the clerical establishment and the peons and dak runners will have to be imported into the North-West Frontier Province in order to keep up the principle of one-third for the minority communities ?

**The Honourable Sir James Crerar :** Sir, perhaps I may be allowed to answer that question as it is one of general application. The question of the interpretation to be placed on the term "minority community" in its application to a province like the North-West Frontier Province is by no means an easy one and is at present under consideration.

#### EMPLOYMENT OF MUSLIMS IN THE MILITARY ENGINEERING SERVICE OF KOHAT.

529. **\*Mr. Muhammad Ismail Khan :** (a) Is it a fact that in the Military Engineering Service of Kohat, non-Muslims preponderate ?

(b) What steps do Government propose to take to prevent this preponderance ?

(c) Is it a fact that Government have issued orders that in the case of this service, the proportion fixed for the Muslims is not to be adhered to ? If so, what justification is there for this deviation from the ordinary rule ?

**Mr. G. R. F. Tottenham :** (a) In February last, 41 Muslims and 49 non-Muslims were serving in the Military Engineer Services in the Kohat District from the rank of Sub-Divisional Officer downwards.

(b) In view of the figures I have just given, I do not think any action is called for.

(c) Government have certainly not issued any such orders. The second part of the question does not arise.

#### CONSTITUTION OF KANARESE-SPEAKING DISTRICTS INTO A SEPARATE PROVINCE.

530. **\*Mr. D. V. Belvi :** (a) Will Government be pleased to state if they are aware of the fact that the Legislative Councils of Madras and Coorg have recently passed Resolutions recommending the constitution into one separate Province and administrative unit of the Kanarese-speaking districts of the British Karnataka ?

(b) Have the Governments of Madras and Coorg forwarded copies of the Resolutions to the Government of India together with their remarks thereon ?

(c) Will Government be pleased to lay on the table copies of the Resolutions and the remarks of the Provincial Governments, if any ?

(d) Is it a fact that in the last Sessions of the Bombay Legislative Council all the elected Members from the four Kanarese-speaking districts in the Bombay Presidency unanimously voted in favour of the unification of the British Karnataka under one administration ?

(e) Will Government be pleased to state if they are prepared to institute an inquiry into the question either by appointing a small committee or otherwise at an early date ?

**The Honourable Sir James Orerar :** (a) Yes.

(b) No.

(c) Does not arise. I shall be glad to place the proceedings in the Library when received.

(d) I have no official information.

(e) Government do not consider that such an inquiry would be advantageous.

**LACK OF USUAL AMENITIES ON THE RAIPUR-DHAMTARI-RAJIM BRANCH OF THE BENGAL NAGPUR RAILWAY.**

531. \***Pandit Dwarka Prasad Misra :** (a) Will Government be pleased to state whether it is a fact that there are no arrangements for lighting the compartments in the Raipur-Dhamtari-Rajim Branches of the Bengal Nagpur Railway ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reason ?

(c) Will Government be pleased to state whether it is a fact that there are no latrines in the Raipur-Dhamtari-Rajim Branches of the Bengal Nagpur Railway ?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state the reason ?

(e) Will Government be pleased to state whether it is a fact that even in summer there are no arrangements for drinking-water on the stations of the Raipur-Dhamtari-Rajim Branches of the Bengal Nagpur Railway ?

(f) If the answer to part (e) be in the affirmative, will Government be pleased to state the reason ?

(g) Will Government be pleased to state whether it is a fact that there are no proper platforms on the Bhatgaon and Manakchowree Stations of the Raipur-Dhamtari-Rajim Branches of the Bengal Nagpur Railway ?

(h) If the answer be in the affirmative, will Government be pleased to state the reason ?

(i) Will Government be pleased to state whether the trains on the Raipur-Dhamtari-Rajim Branches of the Bengal Nagpur Railway are run in time ? If not, why not ?

(j) Were the trains on this line run in time in the months of March and April 1929 ? If not, why not ?

**Mr. P. B. Rau :** With your permission, Sir, I shall answer this and the next question together.

Inquiry has been made from the Agent, Bengal Nagpur Railway and the information will be furnished to the Honourable Member on receipt.

### LACK OF DRINKING WATER FOR RAILWAY EMPLOYEES AT RAIPUR STATION.

†532. \*Pandit Dwarka Prasad Misra : Will Government be pleased to state whether it is a fact that there are no proper arrangements for the supply of drinking-water to the Railway employees at the Raipur Station on the Bengal Nagpur Railway ? If not, why not ?

### ABOLITION OF SERVANTS' COMPARTMENTS ON RAILWAYS.

533. \*Mr. T. A. Chalmers : Will Government please state whether the Railway Board have taken any decision on the question of abolition of servants' compartments in coaching stock ?

Mr. P. R. Rau : The question is being considered at present.

### TRAINING OF INDIANS ON BRITISH RAILWAYS.

534. \*Kumar Ganganand Sinha : (1) Will Government be pleased to state :

(a) the total number of Indian students for whom the High Commissioner for India obtained permission for practical training in the Traffic and other branches of British Railways during the period 1923 to 1926 ; and

(b) their names with the period of training each underwent and with what railway or railways ?

(2) How many of them are appointed on the Indian Railways in the (a) Superior Service, the (b) Local Service, and the (c) Subordinate Service ?

(3) Is it a fact that no English Railway takes an Indian unless he is sent by the High Commissioner who determines the period of training ?

(4) Is it a fact that some of the students distinguished themselves in their training as well as in the Transport Department of the London School of Economics and Political Science, University of London ?

(5) What is the number of such candidates with their names ?

(6) Do Government recognise such qualifications ?

(7) Is it a fact that the High Commissioner did not allow many such students to undergo training for a period more than a year, though they wanted it for a further period, on the plea that there was a long waiting list of Indians who wanted to have training ?

(8) Is it a fact that the British Railways take a very limited number of Indians and demand a heavy premium ?

Mr. P. R. Rau : (1), (2) and (7). I am endeavouring to collect whatever information is readily available and shall communicate with the Honourable Member later ; but I am afraid it will be almost impossible to get information about subordinate services. Meanwhile my Honourable friend can obtain a certain amount of information on the subject from the various Reports of the Indian Students Department

†For answer to this question, see answer to question No. 531.



(now called Reports on the work of the Educational Department) issued by the High Commissioner for India, copies of which are in the Library.

(3) Government are not aware that this is the case. On the other hand, the High Commissioner has stated that he does not desire to be the sole channel for admitting Indian students to educational facilities in England.

(4) and (5). The Honourable Member is referred to the Reports I have mentioned already for the names of Indian students who have obtained distinctions in England.

(6) The qualifications recognised by Government are contained in the regulations for the recruitment in India for the Transportation (Traffic) and Commercial Departments of the Superior Revenue Establishment of State Railways, copies of which are in the Library.

(8) Government have no direct information on the subject, but obviously no railway can take an unlimited number of students, and I understand the taking of a premium in such cases is the ordinary practice in the United Kingdom and other countries. The Honourable Member will find in the Reports I have referred to that, in some cases the High Commissioner did succeed in obtaining training for some students without the payment of a premium.

#### EMPLOYMENT ON INDIAN RAILWAYS OF INDIANS TRAINED IN ENGLAND.

535. \*Kumar Ganganand Sinha : (1) Did the Government of India consult the High Commissioner when the rules for the future recruitment to the Superior Railway Traffic and Commercial services were framed in 1926 ?

(2) When two years' practical training on a British Railway was made compulsory in order to appear at the competitive examination during 1926 and 1927, did Government inquire of the High Commissioner whether such candidates were forthcoming ?

(3) Is it a fact that on this score many such Indians were barred from even taking a chance at the examination ?

(4) Is it a fact that though some of such Indians were nominated by the Local Governments as qualified, they were not allowed by the Public Service Commissioners to compete on technical grounds ?

(5) Is it a fact that there are numerous officers on Indian Railways in the Superior or Local service with such training for a year or less who were appointed direct ? Will Government be pleased to state broadly the circumstances in which they were so appointed and whether such appointments are usually made now ?

(6) Is it a fact that officers are granted study leave out of India to have such training on British Railways or a course at the London School of Economics ?

(7) Are Government aware that many such qualified Indians coming back to India after training in England do not find any employment ? If so, how are Government going to solve the problem ?

(8) Has the High Commissioner been asked not to allow any more Indians to undergo such training, when the policy here has been changed ?

(9) Are Government prepared to direct the Public Service Commissioners to examine carefully at once each of the cases of those Indians who are unemployed or had to accept subordinate service on their return, and make provision for them suitably so that they may be taken in those superior services of the Department for which they have qualified themselves ?

(10) Are Government prepared to ask the Company-managed railways to give preference to such deserving Indian candidates in their railways ?

**Mr. P. R. Rau :** (1) No.

(2) The Honourable Member is mistaken in thinking that such training was compulsory in the case of candidates appearing for the competitive examination in 1926 and 1927. The ordinary rule was that all candidates should hold a degree of an Indian or British University which involved a study of mathematics and natural science subjects, or have passed the Associate Membership examination of certain engineering institutions. But as a special case, for the examinations held in 1926 and 1927, candidates who had obtained railway traffic training in the United Kingdom for not less than two years were declared eligible for admission to the competitive examination, although they did not possess any of the ordinary qualifications required under rule. This was done at the suggestion of the High Commissioner to meet the case of students who were then undergoing traffic training in England.

(3) I am not quite clear what the Honourable Member means exactly by this question. It is a fact that candidates who neither possessed the ordinary qualifications nor, in the alternative, obtained two years training were debarred from appearing at the examination.

(4) Government understand that there was one candidate nominated by a Local Government, but rejected by the Commission as not eligible under the rules since he had less than two years training and did not possess the educational qualifications necessary.

(5) As I have already explained, persons who had the necessary academic qualifications described in my reply to part (2) of this question, were eligible for selection even if they had no training. Government are not aware of any persons appointed to the superior or Local Service purely by reason of their having received training for the short period of a year or less, and apart from other qualifications, but are making inquiries on the point.

(6) The circumstances in conditions under which study leave is granted to Government servants will be found in Appendix No. 9 of the Compilation of the Fundamental Rules and Supplementary Rules issued by the Accountant General, Posts and Telegraphs, a copy of which is in the Library.

(7) and (10). I presume that by the expression "such qualified Indians" the Honourable Member means persons who have had some kind of training in England. Government are aware that there is a number who are unemployed, but regret they are unable to offer employment to these men in preference to men with better educational qualifications or to ask Company-managed railways to do so. In this connection I would refer the Honourable Member to the memorandum

on the subject placed by Mr. Parsons before the Standing Finance Committee for Railways in July 1928, which will be found on page 49 of Volume V, No. 2 of the proceedings of that Committee.

(8) Government do not consider it necessary or desirable to put any obstacle in the way of persons who desire to obtain such a course of training.

(9) A course of practical training cannot be, and has not, so far as I am aware, ever been, recognised as being of itself an adequate qualification for appointment to the Superior Revenue Establishment of State Railways.

**REWARD GRANTED TO MR. RAHMAN, A RAILWAY GUARD, FOR SAVING THE LIFE OF A WOMAN ATTACKED BY A PANTHER.**

536. \*Mr. S. C. Mitra : (1) Has the attention of Government been drawn to an article in the *Civil and Military Gazette*, dated the 15th January, 1928, regarding the incident of a railway guard saving the life of a woman attacked by a panther near Patiala ?

(2) Will Government be pleased to state whether any award was granted to Mr. S. A. Rahman the hero of the tragedy ?

(3) Is it a fact that he was awarded only Rs. 50 by the North Western Railway as an appreciation and Rs. 125 from His Highness the Maharaja of Patiala ?

(4) Is it also a fact that His Highness had promised to consider the question of awarding a rifle to the hero ?

(5) Will Government be pleased to state the grade in which Mr. Rahman is working at present ?

(6) Are Government prepared to consider the question of granting some material benefit to Mr. Rahman to encourage their railway employees ?

Mr. P. B. Rau : (1) Government have not seen the newspaper in question but are aware of the incident from other sources.

(2) Yes.

(3) and (4). The reply is in the affirmative so far as the Railway is concerned. As regards the award by His Highness the Maharaja of Patiala, Government regret that they have no official information on the subject.

(5) Mr. S. A. Rahman is a grade II guard.

(6) It is not proposed to grant any further material benefit to Mr. Rahman for his act.

**RULES FOR RECRUITMENT OF EUROPEAN AND ANGLO-INDIAN APPRENTICES IN THE BENGAL NAGPUR RAILWAY WORKSHOPS AT KHARAGPUR.**

†537. \*Mr. S. C. Mitra : (a) Will Government please state whether there is any system of recruiting Anglo-Indian and European apprentices in the Bengal Nagpur Railway Workshops at Kharagpur ? If so, in what respects does it differ from the system of recruiting Indians ?

†For answer to this question, see answer to question No. 491.

(b) Will Government please place on the table a copy of the rules for the recruitment of Anglo-Indian and European apprentices in the Bengal Nagpur Railway Workshops at Kharagpur ?

#### RECRUITMENT OF INDIAN TRAFFIC APPRENTICES ON THE GREAT INDIAN PENINSULA RAILWAY.

538 \* Mr. S. C. Mitra : (a) Will Government be pleased to state when the system of recruiting Indian Traffic Apprentices was first introduced on the Great Indian Peninsula Railway ?

(b) How many of these were recruited ?

(c) What were their qualifications ?

(d) How many of them have completed their training, and what appointments are those who have completed their training, holding, and what is their pay ?

(e) What is the maximum scale of pay up to which they can rise in the ordinary course ?

(f) Is it a fact that these recruits are being, or already have been, trained in all branches of railway work ? If so, do Government propose, in the interest of economy, to select some of them for training in England in preference to the recruits who are annually recruited by the Railway Board for the various Superior Services ?

Mr. P. B. Rau : With your permission, Sir, I propose to reply to this and to the following question together. I am making inquiries from the Agent of the Great Indian Peninsula Railway and will communicate with the Honourable Member on receipt of the reply.

#### RECRUITMENT OF INDIAN TRAFFIC APPRENTICES ON THE GREAT INDIAN PENINSULA RAILWAY.

†539. \*Mr. S. C. Mitra : (a) Is there any system of recruiting Anglo-Indian and European Traffic Apprentices in vogue on the Great Indian Peninsula Railway ? If so, in what respects does it differ from the system of recruiting Indians ?

(b) If there is no difference, is it a fact that the appointments of Station Superintendents, Loco. Foremen, and other appointments of similar status have been filled by Anglo-Indians and Europeans ? If so, how ? How many such appointments have been filled by Anglo-Indians and Europeans since the inception of the system of recruiting Indian Traffic Apprentices ?

#### FUNCTIONS AND COST OF THE CASH AND PAY SECTION OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

540. \*Mr. S. C. Mitra : (a) Will Government please state what was the arrangement for the disbursement of pay to the Railway Clearing Accounts Office staff in the year 1928 ?

(b) Is the same arrangement still continuing ?

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†For answer to this question, see answer to question No. 538.

(c) If reply to part (b) is in the negative, what is the present arrangement ?

(d) What were the circumstances which compelled the officials to change the previous arrangement ?

(e) Was the previous arrangement found unsatisfactory in any way ? If so, in what respects ?

(f) What was the monthly cost which Government used to incur for the disbursement of the pay to the staff of the Railway Clearing Accounts Office prior to the creation of the Cash and Pay section ?

(g) What is the monthly cost of the present arrangement ?

(h) Are Government aware that by the discontinuance of the former arrangement a separate Cash and Pay section had to be created ?

(i) Are Government also aware that under the new system one Cash and Pay Officer on Rs. 500 a month, one pay clerk on Rs. 100 a month and one chaukidar have been appointed and in addition to this, extra expenditure for the maintenance of this section is being incurred ?

(j) Will Government please state whether the financial effects of the case were considered by the competent financial authority when it was decided to abolish the previous system and to introduce the present one, and was that officer fully satisfied that the scheme which he was sanctioning was economical ?

(k) Will Government please state what are the functions of the newly created Cash and Pay section in the office of the Railway Clearing Accounts Office ?

**Mr. P. B. Rau :** (a) The arrangement in force in 1928 was that the Chief Cashier and Treasurer of the North Western Railway arranged for the disbursement of pay of the Railway Clearing Accounts office staff.

(b) No.

(c) and (k). At present arrangements have been made in the office itself for disbursement of pay. There is a Pay and Accounts Officer with a small staff who, in addition to disbursing pay to the staff of the Clearing Accounts Office, the Statutory Audit Office and the Chief Publicity Officer, is responsible for the check and maintenance of all the cash accounts relating to the establishment and contingent charges of these offices and for the work of the general section of the Clearing Accounts Office.

(d) and (e). The previous arrangements were purely temporary and not altogether satisfactory. The Railway Clearing Accounts Office had nothing to do with the administration of the North Western Railway, and it was obviously undesirable for them to depend on the services of the Treasurer of that Administration.

(f) The Chief Cashier and Treasurer was paid Rs. 150 per month merely for the disbursement of pay, and I understand he had claimed that this was insufficient.

**Mr. M. A. Jinnah :** May I request the Honourable Member to speak up because we cannot hear a single word in this part of the House.

**Several Honourable Members :** Speak up, please.

**Mr. P. R. Rau :** (g), (h) and (i). The present arrangement has involved the creation of the post of Cash and Pay Officer on Rs. 300—25—500 a month, a pay clerk on Rs. 100 per month and a peon.

(j) Yes. I should add that the proposals were approved by the Standing Finance Committee for Railways when they considered the general question of the separation of Accounts from Audit in September last.

#### DISTRIBUTION OF PAY OF THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

541. **\*Mr. S. C. Mitra :** (a) Are Government aware that an office order has been issued by the Director, Railway Clearing Accounts Office, that sub-heads in charge of each sub-section should receive the total amount of pay for the staff working under them in the presence of their Superintendents for distribution ?

(b) Are Government aware that there is a general discontentment among the sub-heads who protested against this office order on the ground that it enjoined upon them to perform the duties of the pay clerks ? If so, do Government propose to consider the question of reverting to the previous system ? If not, what steps do Government propose to take in order to redress the grievances of the staff which is called upon to do the work for which some one else is being paid ?

**Mr. P. R. Rau :** (a) The facts are as stated by the Honourable Member I understand. The arrangement is similar to one in force in the Office of the Chief Accounts Officer, East Indian Railway for some years.

(b) The answer to the first part of the question is in the negative and the second part, therefore, does not arise.

#### OFFICE HOURS OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

542. **\*Mr. S. C. Mitra :** (a) What are the working hours in the Railway Clearing Accounts Office ? Do they include recess period, and if so, what is the duration of the recess period ?

(b) Is it a fact that the working hours which include recess period of the clerical staff in all Government offices as well as those under the Railway Administration are as a rule six hours daily ? If so, why has an increase in the working hours of the Railway Clearing Accounts Office been made ?

(c) Is it also a fact that the staff of this office is invariably called upon to work up to 6 and 7 p.m. daily ? If so, do Government propose to consider the advisability of bringing down the working hours in that office to those of the other Government offices, and also see that not only an office order is issued to this effect but the grievances of the clerical staff are really redressed ?

**Mr. P. R. Rau :** (a) and (c). I will refer the Honourable Member to the answer to his starred questions Nos. 668 and 669 on 19th February last.

(b) The working hours are not fixed. They vary from office to office according to local conditions.

**CONFIRMATION OF THE TEMPORARY CLERICAL STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.**

543. \*Mr. S. C. Mitra : (a) Will Government please state whether the confirmation of the temporary clerical staff employed in the Railway Clearing Accounts Office is being delayed although the Secretary of State sanctioned its permanency in April, 1929 ? If so, why ?

(b) Do Government propose to ask the authorities concerned to expedite the matter ?

Mr. P. B. Rau : Orders were issued recently confirming the temporary staff referred to.

**RACIAL CLASSIFICATION OF CLERKS' QUARTERS IN SIMLA.**

544. \*Mr. S. C. Mitra : (a) Is it a fact that the single clerks' barracks on the Cart Road at Simla are called " Indian clerks' barracks " and those at Summer Hill are called " European clerks' barracks " ?

(b) Is it a fact that the single men's barracks at New Delhi are classified as " Orthodox " and " Unorthodox " chummeries ? If so, why in the case of the Simla quarters has a racial colouring in classification been given ?

(c) Is it a fact that there is no bar for an Indian to get an unorthodox chummary room at New Delhi, but that at Simla the Summer Hill quarters are exclusively reserved for Europeans and Anglo-Indians ? If so, why ? Do Government propose to remove the racial discrimination in the classification of quarters at Simla as well ?

(d) Is it a fact that the present Indian clerks' barracks on the Cart Road are not properly looked after by Government and that they are in a miserable state of repair ? Is it also a fact that there is no satisfactory arrangement for kitchen, etc., therein ?

(e) Is it a fact that the roof of the railway goods shed facing the Indian clerks' barracks is utilised by the railway authorities for storing coal, potato, etc., causing thereby considerable inconvenience to the tenants of the Indian clerks' barracks ? If so, do Government propose to take necessary steps to remove this inconvenience ?

(f) Is it a fact that the tenants of the clerks' barracks are not allowed to keep their guests or even near relatives for more than fifteen days in their rooms ? If so, why ? Do Government propose to take necessary steps to remove this hardship ? If not, why not ?

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

(b) and (c). Yes. I would refer the Honourable Member to the reply given by me on 5th September, 1929 to part (c) of his starred question No. 222.

(d) No. During the past few years large sums† have been spent on special repairs and improvements to these buildings and they are now in as good a state of repair as can be reasonably expected.

There is not a separate kitchen for each room, but several kitchens separated from the main building are provided. Each of these is shared by two or more clerks. This arrangement has been in force since the buildings have been used for their present purpose, and has worked well.

(e) Yes ; but Government are not aware of any inconvenience caused to the tenants of the barracks by the storage of the articles referred to.

(f) Yes ; because the rooms in question are not considered big enough to be occupied permanently by more than one adult. This restriction has been made to avoid overcrowding, and is in the interests of the clerks themselves.

#### DUTY ON IMPORTED OIL AND TINPLATES.

545. \*Mr. Gaya Prasad Singh : (a) Are Government aware that the virtual owners of the Tinplate Company, Golmuri, Jamshedpur, are the Burma Oil Company ?

(b) Is it a fact that the imposition of the protective duty levied on imported tinplates was strongly opposed by the Welsh Plate and Sheet Manufacturers' Association ?

(c) Is it a fact that the Burma Oil Company is a foreign company ?

(d) Is it a fact that a duty of one anna only per gallon is levied on the products of the Burma Oil Company, while a duty of 2½ annas is levied on other imported oils ? If so, why should there be this disparity ?

(e) Do Government propose to abolish the duty on imported tinplates ; and lower the duty on imported oil to the level of one anna per gallon ?

**The Honourable Sir George Rainy :** (a) The attention of the Honourable Member is invited to paragraph 222 of Volume I of the Tariff Board's Report regarding the continuance of the protection to the Steel Industry (Statutory Inquiry, 1926) a copy of which was supplied to him in January, 1927.

(b) Yes.

(c) The Company is registered in Great Britain.

(d) An excise duty of one anna a gallon is levied on kerosine produced in India and a customs duty of 2½ annas a gallon on imported kerosine, but the Company produces many other articles besides kerosine. This difference in the rates of duty has existed since 1922. The great majority of articles subject to customs duty pay no excise duty if produced in India, and there is nothing abnormal in the difference between the rates of excise and customs duty on kerosine.

(e) It would be contrary to the public interest for Government to make any statement as to its intentions regarding the imposition or removal of duties in reply to questions in this House. The Honourable Member may have an opportunity of raising the question of the duty on tinplate on the 24th of this month.

**Diwan Chaman Lall :** May I ask the Honourable Member whether the difference in the duty imposed on imported oil and the oil produced by the Burma Oil Company has been in existence since 1922, and if that is the only justification for the disparity ?



**The Honourable Sir George Rainy :** Sir, I said that the difference between the rate of customs duty and the rate of excise duty had continued since 1922.

**Diwan Chaman Lall :** May I ask the Honourable Member whether because it has been continued since 1922, therefore that is sufficient justification for the disparity to continue still further ?

**The Honourable Sir George Rainy :** Sir, I did not use the statement I made as an argument in any way.

**Diwan Chaman Lall :** Then, why is there this disparity ?

**The Honourable Sir George Rainy :** It seemed to me that the information might fairly be placed at the disposal of the House.

**Diwan Chaman Lall :** May I ask the Honourable Member whether, in view of the fact that recent events have brought the name of the Burma Oil Company to the public notice a great deal and in an adverse light, he will be prepared now to reconsider the position in regard to the disparity in the duty imposed ?

**The Honourable Sir George Rainy :** I think the Honourable Member has not heard my answer to the last clause of the question, when I said that it would be contrary to the public interest for Government to make any statement as to its intentions regarding the imposition or removal of duties in reply to questions in this House.

**Mr. President :** Order, order : I understand Mr. Chatterjee was not present in the House when his questions were called. He now represents that his rail motor was 20 minutes late for no fault of his. I will, therefore, allow him to put his questions now.

#### PROHIBITION OF OPIUM SMOKING IN THE PROVINCES.

472. **\*The Revd. J. C. Chatterjee :** (a) Will Government be pleased to state how many Provincial Governments have appointed special committees to inquire into the causes of excessive consumption of opium in areas under their jurisdiction and for the purpose of suggesting remedial measures ?

(b) How many of these committees have made their reports ?

(c) Is it intended to make these reports available to the public and, if so, when ?

(d) Have any of the Provincial Governments forwarded the reports of their committees to the Government of India and, if so, what action are Government taking to put an end to the excessive consumption of opium in the various "black spots" of the country ?

(e) Have the Government of India arrived at any clearly defined policy in regard to the internal consumption of opium in India, with a view to bringing it into line with the policy of all civilised Governments, namely, the prohibition of the sale of opium except on the production of a medical certificate ?

**The Honourable Sir George Schuster :** (a) Six Local Governments. The Governments of Bengal, Bombay, Madras, Bihar and Orissa and the Central Provinces appointed special committees of inquiry, but the

United Provinces Government arranged to conduct inquiries through their existing Excise-Licensing Boards.

(b) All excepting the Bombay Committee.

(c) It is for the Local Governments concerned to decide whether the Reports should be published or not. The Bengal Government have already published the Report of their Committee, and I understand that the Government of Bihar and Orissa intend to do likewise.

(d) Yes, copies of all the Reports have been received by the Government of India. Excise being a Provincial Transferred Subject, action on the Reports will be taken by the Local Governments. The Government of India however propose to convene a conference for the purpose of collating and comparing the results obtained, before the Local Governments pass orders on the Reports.

(e) The Honourable Member's attention is invited to the Government's Resolution No. 4, dated the 17th June, 1926, published in Part I of the Gazette of India of the 19th June, 1926, which contains a complete statement of their internal policy in regard to opium. A copy will be supplied to the Honourable Member.

**The Revd. J. C. Chatterjee :** May I ask the Honourable Member as to when it is intended to convene that Conference and whether any information is available as to the composition of its delegates ?

**The Honourable Sir George Schuster :** Since the Honourable Member put his question, I have been devoting my attention to this matter. The delay in calling the Conference is due to the delay in the receipt of the Report from the Bombay Government. In view of the fact that the proposal to collect reports was made some time ago, I think that it is high time that the Conference was called, and I propose to take steps to expedite the calling of it so far as I can. I am not in a position, however, at the moment to state any definite date or to give the Honourable Member any information as to who will attend the Conference, but I should be pleased to furnish him with information as soon as I am in a position to do so.

**Mr. B. Das :** Is it not a fact that some of the Provincial Governments depend entirely for their existence on the revenue derived from the sale of opium, especially the province of Bihar and Orissa ? And in view of the fact that Government are going to call a conference, will Government consider the alternative proposition whether they can supplement the income of the Provincial Governments so that they can reduce the consumption of opium in those territories ?

12 NOON.

**The Honourable Sir George Schuster :** I think the Honourable Member's statement to the effect that Provincial Governments depend for their existence on revenue from opium is perhaps an exaggeration.

**Mr. Gaya Prasad Singh :** Quite so.

**The Honourable Sir George Schuster :** The question of the relations between the Central Government and the Provincial Governments in the matter of finances and of supplementing the revenues of the Provincial Governments, which now suffer from lack of revenues, is of course, a question which will have to receive very serious consideration

in the near future. I am afraid, I cannot give the Honourable Member any more definite statement at the moment on that matter.

PAY OF POSTMEN IN DELHI.

473. \*The Revd. J. C. Chatterjee : (a) Have Government received representations from the Delhi Provincial Postmen and Lower Grade Staff Union requesting that, owing to the high cost of living in the capital city, they should be given the same rate of pay as that sanctioned for postmen in Bombay and Rangoon ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state what action they propose to take in the matter ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). Government understand that the Director General, Posts and Telegraphs, has received a copy of the proceedings of a meeting held by the Union in question containing, among others, the request mentioned by the Honourable Member. But as the Union has neither applied for, nor been accorded, official recognition, no action is being taken on its representation.

INCREASE OF HOUSE-RENT ALLOWANCE FOR POSTMEN IN DELHI.

474. \*The Revd. J. C. Chatterjee : (a) Is it a fact that postmen in Delhi are paid an allowance of Rs. 5 per mensem and the lower-grade staff an allowance of Rs. 2 per mensem for house-rent ?

(b) Are Government aware, that, owing to the difficulties of housing accommodation in Delhi, it is impossible to get any houses at these rates, especially in the winter months, when landlords demand very much higher rates ?

(c) In view of the representations made on this subject by the Delhi Provincial Union of Postmen, do Government propose to increase the house-rent allowance ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes, except boy messengers who do not get any house-rent allowance.

(b) The allowance paid by Government is not intended to cover in full the actual expenditure incurred.

(c) The Honourable Member is referred to the reply just given to his starred question No. 473.

HARDSHIPS *re* CASUAL LEAVE OF POSTMEN ATTACHED TO THE DELHI POST OFFICE.

475. \*The Revd. J. C. Chatterjee : (a) Is it a fact that the staff of reserve postmen attached to the Delhi Post Office has been recently withdrawn or reduced ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state, what arrangements are made for the grant of casual leave to postmen ?

(c) Have Government received representations from the Delhi Provincial Union of Postmen and Lower Grade Staff pointing out the hardships suffered by them in the matter of obtaining casual leave ? If so,

will Government be pleased to state, what action they propose to take on these representations ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). Government understand that the staff of reserve postmen attached to the Delhi Post Office has recently been withdrawn and that there has, in consequence, been difficulty in granting casual leave to postmen. This withdrawal seems to have been due to a misunderstanding of the orders of Government revising the pay of reserve and probationary postmen ; but further inquiries are being made in the matter, the result of which will be communicated to the Honourable Member in due course.

(c) The Honourable Member is referred to the reply just given to his starred question No. 473.

#### GRANT TO POSTMEN IN DELHI OF AN EXTRA DUTY ALLOWANCE FOR DELIVERY OF FOREIGN MAILS.

476. **\*The Revd. J. C. Chatterjee :** (a) Is it a fact that postmen in Bombay and Calcutta are given an extra duty allowance for the delivery of foreign mails ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state why a similar allowance is not given to postmen in Delhi ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Yes. The allowance is paid as overtime pay.

(b) Government understand that the grant of similar allowances at other places, including Delhi, is under the consideration of the Director General.

#### GRANT OF GRAIN COMPENSATION ALLOWANCE TO POSTMEN.

477. **\*The Revd. J. C. Chatterjee :** Is it a fact that grain compensation allowance, granted to other civil employees, is not given to postmen ? If so, will Government be pleased to state the reasons why postmen are refused this concession ?

**The Honourable Sir Bhupendra Nath Mitra :** It is presumed that the Honourable Member is referring to the case of postmen in Delhi. The condition governing the grant of grain compensation allowances to employees of the Postal Department is that they must be in at least as difficult a position, economically, as the employees of the Local Government for whom such grain compensation allowance has been sanctioned. It is understood the Director General has held that the postmen at Delhi do not satisfy this condition and they are not accordingly eligible for the concession.

#### EJECTION OF INDIAN CLERKS LIVING IN GOVERNMENT QUARTERS IN KAITHU,

478. **\*The Revd. J. C. Chatterjee :** (a) With reference to starred question No. 1214, put by Mr. Siddheswar Prasad Sinha on the 22nd March, 1929, and the reply given to my supplementary question by the Honourable Sir B. N. Mitra stating that, so far as he was aware there was no reservation of quarters for Anglo-Indian and European staff in Simla, will Government be pleased to state if it is a fact that some Indian clerks residing

in Government Quarters at Kaithu, Simla, have been ordered to vacate their quarters as these quarters are meant for Europeans ?

(b) Is it a fact that in some cases these Indian clerks have occupied these quarters for several years past ?

(c) Is it a fact that some of them have begged to be allowed to retain these quarters till the end of the present Simla season, but have been refused this concession ?

(d) If the answer to parts (b) and (c) are in the affirmative, will Government be pleased to state what are the reasons for this ejection of Indian clerks who have been living in the Kaithu quarters ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) Government are only aware of one case of the nature indicated, that is a case in which an Indian clerk who has occupied quarters in Kaithu for the past few years applied to be re-allotted his quarters next year. The application was not accepted by the Superintending Engineer, as it had come to his notice in the meantime, that this clerk, although making a statement each year to the effect that he was a European, was actually an Indian. The quarters in question are meant for Europeans, *vide* reply given by me on 5th September, 1929, to part (c) of question No. 222 and to part (u) of question No. 223.

(b) No case other than that of the clerk mentioned above is known.

(c) Government are not aware of any such case. The clerk referred to above, has been permitted to retain his quarters until the end of this season. He was not asked to vacate them, hence no question of his having to beg to be allowed to remain in them till the end of the present season ever arose.

(d) Does not arise.

**The Revd. J. C. Chatterjee :** May I ask if the Honourable Member now withdraws the answer which he gave to my last supplementary question ?

**The Honourable Sir Bhupendra Nath Mitra :** The answer which I gave to his supplementary question referred mainly to quarters at Delhi, as I think I brought out clearly in those answers to supplementary questions. My recollection is that, at the end of my answers to the supplementary questions then asked by the Honourable Member, I requested him to put down his questions relating to Simla separately.

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#### UNSTARRED QUESTIONS AND ANSWERS.

##### CADRE IN OFFICES OF POSTMASTERS GENERAL AND IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

168 **Mr. Jamnadas M. Mehta :** (a) Is it a fact that before the Report of the Postal Inquiry Committee was out, offices of some Postmasters General were split up into separate cadres A and B on account of the secretariat nature of their work, along with the Director General's Office, where the scale of pay was from Rs. 50--100, which has since been revised to Rs. 80--250 and Rs. 100--300 ?

(b) If the reply to part (a) is in the affirmative, in what offices were these cadres formed ?

(c) Why has the status of these offices been levelled down as a result of the inquiry referred to above? Is it a fact that the circle offices were altogether outside the scope of inquiry of the Committee?

(d) When do Government propose to right the wrong done to these offices?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The facts as stated by the Honourable Member are not quite correct. It is a fact that, prior to the publication of the Report of the Postal Committee of 1920, two separate cadres A and B were introduced in the offices of some of the Postmasters General, but it is not correct to say that these cadres were created along with similar cadres in the Director General's Office. The Office of the Director General had these cadres since long before. The scale of pay in the Director General's Office was not raised from Rs. 50—100 to Rs. 80—250 and again to Rs. 100—300. From the 1st March, 1921, the grades of Rs. 50—100, Rs. 100—150 and Rs. 150—200 were amalgamated into one grade on Rs. 80—250. From the 1st August, 1927, this grade has been raised to Rs. 100—300.

(b) Before the issue of the Report of the Postal Committee, A and B cadres had been formed in the Offices of the Postmasters General of Bombay, Bengal and Assam, Bihar and Orissa, Burma, Central Circle and Madras.

(c) There has been no change in the status of these offices nor is it a fact that circle offices were outside the scope of the inquiry of the Committee.

(d) Does not arise.

#### RECRUITMENT OF SUPERINTENDENTS OF POST OFFICES.

169. **Mr. Jamnadas M. Mehta :** (a) Will Government be pleased to state the number of candidates allowed to appear at the examination for the appointments of Superintendents of Post Offices, each year during the last five years?

(b) How many of them were selected from the Director General's Office, the Circle Offices and the Post Office proper, each year during the last five years?

(c) How many of them were direct recruits each year during the same period?

(d) Is it a fact that departmental men have not for some years been allowed to appear at the examination, as there are many passed candidates?

(e) If the reply to part (d) is in the affirmative, will Government please state the necessity for continuing direct recruitment of Superintendents?

**The Honourable Sir Bhupendra Nath Mitra :** (a) 26 in 1924, 24 in 1925, 14 in 1926 and 9 in 1927. No examination was held in 1928.

(b)	1924	1925	1926	1927
Director General's Office ..	1	6	2	1
Circle Offices ..	3	1	2	1
Other branches of Post Office ..	17	10	3	2

(c) 5 in 1924, 7 each in 1925 and 1926 and 5 in 1927.

(d) No.

(e) Does not arise. In any case Government cannot discontinue the present arrangement about direct recruitment of probationary Superintendents as they consider that to maintain the efficiency of the Department it is necessary to take in a certain number of direct recruits.

#### TRANSFER OF POSTAL OFFICIALS IN THE BOMBAY CIRCLE.

170. **Mr. Jamnadas M. Mehta** : Is it a fact that the Postal Stock Depot, the Postal Press and Departmental Buildings in the Bombay Circle have been in charge of a Manager and an Assistant Postmaster General belonging to the same community for the last several years ? If so, do Government propose to consider the advisability of transferring them ?

**The Honourable Sir Bhupendra Nath Mitra** : Yes, but Government have no grounds for thinking that the fact that the officers belonged to the same community has been prejudicial to the interests or efficiency of service, and see no reason to consider their transfer on such grounds. The Assistant Postmaster General in question has, however, recently been transferred in the ordinary course.

#### EXTENSION OF SERVICE OF POSTAL OFFICIALS BEYOND 55 YEARS OF AGE.

171. **Mr. Jamnadas M. Mehta** : Has the attention of Government been drawn to an article headed " A question of principle " against the grant of extension to men over 55 years of age at page 3 of the General Letter, dated the 25th July, 1929, of the Bombay Presidency Postal and R. M. S. Association ? If so, what action do Government propose to take in the matter ?

**The Honourable Sir Bhupendra Nath Mitra** : Government have seen the article in question. In their opinion there is no adequate reason for altering a service rule of long standing and general application which was introduced after due consideration of all relevant factors.

#### GRANT OF HOUSE RENT TO SUBORDINATE POSTAL OFFICIALS IN BOMBAY.

172. **Mr. Jamnadas M. Mehta** : (a) With reference to their reply to my question No. 544 of 15th February, 1929, will Government please state whether they have by now come to know of the expiry of the Rent Act in Bombay from January, 1929, and whether they have received any representations from the postal clerical class in Bombay asking for the grant of house-rent ?

(b) If the reply to part (a) is in the affirmative, will Government please state whether the question of the grant of house-rent to their subordinates in Bombay has been considered by them and if so, with what result ?

(c) Will Government please state the principle on which the grant of house-rent to officers of the Posts and Telegraphs Department is regulated and that on which the same is denied to their subordinate clerks who have also to pay exorbitant rents in Bombay ?

**The Honourable Sir Bhupendra Nath Mitra** : (a) The reply to the first part of the question is in the affirmative. With regard to the latter

part, Government understand that the Director General, Posts and Telegraphs, has received from the All-India (including Burma) Postal and Railway Mail Service Union a representation on behalf of the postal clerks in Bombay asking for the grant of house-rent allowance.

(b) A representation for granting house-rent to the clerical staff of the Customs, Income-tax and Salt Departments in Bombay was considered and rejected by the Central Board of Revenue. The proposal submitted by the All-India (including Burma) Postal and Railway Mail Service Union was also rejected by the Director General, Posts and Telegraphs. The question in respect of the other establishments in Bombay was not raised.

(c) Gazetted officers of the Posts and Telegraphs Department are on all-India scales of pay, and in places where house-rents are exceptionally high are given house-rent allowances to assist them to meet such special local conditions. The clerical staff, on the other hand, draw local rates of pay and these rates have been fixed after full consideration of the cost of living, including the cost of house-rent, in the places to which they relate.

#### TRANSFER OF POSTAL OFFICIALS IN BOMBAY.

173. **Mr. Jamnadas M. Mehta :** (a) Will Government be pleased to state whether the Posts and Telegraphs Departmental orders, as also those issued from time to time by the Director General, require that in the interest of service Assistant Post Masters General, Superintendents of Post Offices, Assistant Postmasters, Head Clerks of the Postmaster General's offices and General Post Offices should be transferred from place to place after every three years ?

(b) Has the attention of Government been drawn to the article in the Bombay Presidency Post and R. M. S. Union's General Letter dated 25th July, 1929, *re* transfers of Assistant Postmasters General ? If so, will Government be pleased to state why, as stated therein, the decisions of the Conference were set aside and the Departmental orders were observed more in their breach than in their observance ?

(c) Are the orders referred to above carried out in the case of Head Clerks and clerks in the Postmaster General's office and the General Post Office in Bombay and in the case of Superintendents of the Bombay Circle ?

(d) If the reply to part (c) is in the affirmative, from what date, and if it is in the negative, what forbids their transfers ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) The orders relating to the periodical transfer of certain classes of officials do not apply to Assistant Postmasters or Head Clerks in General Post Offices, nor is the tenure of office the same for all classes to whom the orders apply. The tenure of office in the case of Assistant Postmasters General and Investigating Inspectors is 5 years, and 3 years in the case of the other officials to whom the orders apply.

(b) Yes. The orders were duly given effect to, except in the case of two of the Assistant Postmasters General of the Bombay Circle for the reason stated in my reply to part (b) of the Honourable Maulvi Muhammad Yakub's starred question No. 1369, dated the 2nd April, 1929. These two officers have, however, since been transferred.



(c) and (d). The orders referred to do not apply to the clerks in a Circle office or the Head Clerks and clerks other than the appointment clerk in a General Post Office. So far as the Superintendents of the Bombay Circle are concerned, the orders have been carried out on different dates after the completion of the period prescribed for their tenure of charge of a Division. The Head Clerks in the Postmaster General's Office, Bombay, to whom the orders also apply have not yet been transferred on administrative grounds. The appointment clerk of the Bombay General Post Office is not yet due to be transferred.

#### TRANSFER OF POSTAL OFFICIALS.

174. **Mr. Jamnadas M. Mehta** : (a) Is it a fact that transfers of Postal officials were restricted on account of financial stringency during the last few years ? If so, will Government please state whether this was observed in the case of the Postal Superintendents of the Bombay Circle, viz., Messrs. Jussawala, Lalkaka and Khan ?

(b) How long was each of these officers in charge of one division only during the last ten years and what amount of travelling allowance was drawn by each of them on each transfer ? If their transfers were frequent, will Government be pleased to state why they were so made in the face of Director General's orders restricting the same on account of financial stringency ?

**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 therefore arise.

(b) Government understand that the transfers of these officers in the past ten years have not been frequent, and have in all cases been ordered by the responsible authorities in the interests of the public service. They do not possess all the detailed information asked for by the Honourable Member, and in view of what is stated in the preceding sentence they do not propose to collect the information.

#### METHOD OF FILLING POSTS IN THE PRINTING AND STATIONERY DEPARTMENT, CALCUTTA.

175. **Mr. S. C. Mitra** : (a) Will Government be pleased to state whether it is a fact that a large number of posts which fell vacant or were created in the Printing and Stationery Department in Calcutta during 1928 and 1929 were filled up by promotions, (i) in some cases on grounds of seniority in preference to merit and educational qualification, (ii) in some cases on grounds of educational qualification in preference to merit and seniority, and (iii) in some cases on merit (having no previous appreciation recorded to that effect) in preference to seniority and educational qualification ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether it is a fact that in cases of filling up permanent and officiating vacancies in that department the seniority in the Gradation List is not followed ? If not, why not ?

(c) If the answer to part (a) be in the affirmative, will Government be pleased to state the circumstances under which (i) uniformity of

principle was not adopted in all cases, and (ii) there was no change in the nature of duty imposed on the clerks in majority of cases after promotion ?

(d) Do Government propose to inquire into the matter and see that justice is done in all cases by observing uniformity of principles in filling up vacancies (permanent and officiating) by promotions in that department ?

**The Honourable Sir Bhupendra Nath Mitra :** The attention of the Honourable Member is invited to the reply given by me to his question No. 153 on the 2nd September, 1929.

#### SUPERINTENDENT OF THE CENTRAL STATIONERY OFFICE.

**176. Mr. S. C. Mitra :** (a) Will Government be pleased to refer to unstarred questions Nos. 204 to 210 ; starred questions Nos. 353 to 356 ; unstarred question No. 329 ; and unstarred questions Nos. 560, 562 (c), 563, 564, 567 and 568 in the Legislative Assembly Debates, Vol. III (1928) and say whether any inquiry has since been made and whether replies to those questions were furnished to Mr. S. C. Mitra ?

(b) If the answer to part (a) above be in the affirmative, will Government be pleased to place the connected papers on the table ?

(c) If the answer to part (a) be in the negative, will Government be pleased to state when it is expected that the inquiries will be finished and replies to the questions mentioned in part (a) above furnished ?

**The Honourable Sir Bhupendra Nath Mitra :** (a) and (b). The replies to the questions referred to by the Honourable Member were duly furnished to him, and copies were placed in the Library of the Legislature.

(c) Does not arise.

#### SYSTEM OF RECRUITMENT TO TELEGRAPH ENGINEERING BRANCHES.

**177. Mr. Gaya Prasad Singh :** (a) Was sanction accorded by the Government of India (Department of Industries and Labour) in their letter No. 103, P. T., dated 18th April 1927, to the introduction of the new system of recruitment and training for appointment to the Telegraph Engineering Branches ?

(b) In this connection did Government approve of the holding of an examination for the Engineering Supervisors already in the Department ? Are Government aware that the examination was not held by a Board but by a single examiner in September 1927 ? Were any rules framed to prevent candidates from enlisting support from persons of influence ?

(c) Are Government aware that on the ground that this would be the last examination held for the Engineering Supervisors for training for subsequent appointments to the grade of Deputy Assistant Engineers, the Indian Telegraph Association requested the Director General of Posts and Telegraphs to have the papers revalued ?

(d) Were the papers re-valued by the Director General ?

(e) If the reply to part (d) is in the negative, what were the reasons for not complying with the request from such a representative Association ?

(f) How many Indians and Anglo-Indians passed out in the final Deputy Assistant Engineers examination of 1928? Is it a fact that there was a preponderance of one community over the other in the results of the examination? If so, what is the reason?

(g) Is it a fact that six temporary Anglo-Indians who had not passed any departmental examinations prior to their appearing for the competitive examination in 1927 were admitted to the training for appointment as Deputy Assistant Engineers, while Indians are debarred from appearing in the examinations on the ground that they are temporary?

(h) Do Government propose to admit five Indians to complete the nineteen vacancies set apart for the Engineering Supervisors recruited according to the old system? If not, why not?

**The Honourable Sir Bhupendra Nath Mitra :** (a) If, as is presumed, the Honourable Member is referring to letter No. 107-P.T.E. (not No. 103), dated 18th April, 1927, introducing revised rules for the recruitment and training of Engineering Supervisors, the reply is in the affirmative.

(b) Replies to the first and the second parts of the question are in the affirmative. The reply to the third part is in the negative. No such rules were considered necessary.

(c) Yes.

(d) No.

(e) The Director General was unable to accede to the proposal in the absence of any cogent reasons.

(f) 14 Anglo-Indians were successful in the final examination in 1928. The only Indian\* who passed the preliminary examination held in September, 1927, failed to qualify in the examination held at the end of a six months' training course in the Office of the Electrical Engineer-in-Chief, and was therefore not permitted to appear in the final examination. The answer to the second part is in the affirmative. The only reason which Government can think of is the obvious one that the Anglo-Indians were more proficient than the Indians in the subjects in which they were examined.

(g) The reply to the first part of the question is in the affirmative. As regards the second part, both Indians and Anglo-Indians holding temporary posts were equally eligible to appear in the examination subject to their fulfilling certain general conditions.

(h) No. All future recruitment will be carried out according to the new system referred to in my reply to part (a) of this question.

#### ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE.

**Mr. President :** I have to inform the Assembly that up to 12 noon on Saturday, the 14th September, 1929, the time fixed for receiving nominations only one nomination, namely, that of Mr. E. F. Sykes has been received for election to the Standing Finance Committee. As only one candidate is required for the Committee, I announce that Mr. E. F. Sykes has been declared to be duly elected to the Standing Finance Committee.

\* Mr. Malik.

### PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

**Secretary of the Assembly :** Sir, under Standing Order 78, I have to report that two 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.

*Petitions relating to the Bill to regulate marriages of children amongst the Hindus which was introduced in the Legislative Assembly on the 1st February 1927.*

Number of signatories.	District or Town.	Province.
100	Hoogly ..	Bengal.
101	.....	Bengal.

### THE INDIAN INCOME-TAX (PROVIDENT FUNDS RELIEF) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to present the Report of the Select Committee on the Bill to amend the Indian Income-tax (Provident Funds Relief) Act.

### THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL-- *contd.*

**Mr. President :** The House will now resume further consideration of the following motion moved by the Honourable Sir James Crerar on the 12th September, 1929 :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose (Insertion of new section 540-B) be taken into consideration ”.

Sir James Crerar.

**The Honourable Sir James Crerar** (Home Member) : Sir,....

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : On a point of order, Sir. Is the Honourable Member, Sir James Crerar, replying to the debate, because there are certain Honourable Members of this House who are anxious to speak on this motion before he replies ?

**Mr. President :** I have called upon the Honourable Sir James Crerar to make a statement.

**Mr. K. C. Neogy :** I should like to know under what particular rule or Standing Order is it permissible for the Honourable Member to make a statement at a stage when a particular motion is under the consideration of the House ?

**The Honourable Sir James Crerar :** I am speaking on the amendment for circulation of the Bill. In that connection I should like to make a statement regarding the position of the Government.

**Maulvi Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Even if the Honourable Member is not allowed to do so under the Standing Orders and Rules ?

**Mr. M. Keane** (United Provinces : Nominated Official) : He can speak on the amendment and then speak again on his original motion. There is an amendment before the House now.

**Mr. President** : Under what rule ?

**Mr. M. Keane** : On every amendment, every Member is allowed to speak.

**Mr. President** : Under what rule ?

**Mr. M. Keane** : Under the ordinary rules and Standing Orders.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : The Honourable the Home Member is entitled to speak on the motion that the Bill be circulated for eliciting public and legal opinion.

**Mr. President** : Under what rule ? The Honourable the Home Member has made a motion that the Bill be taken into consideration. He has got a right of reply. But he cannot speak more than twice. In any case, he is not entitled to make a statement as he wishes to do under any rule or Standing Orders.

**Mr. M. A. Jinnah** : Since then an amendment has been moved, and surely the Honourable the Home Member can speak on that amendment ?

**Mr. President** : I should like to know under what rule or Standing Order.

**Mr. K. C. Neogy** : I understood the Honourable the Home Member was not speaking on any particular motion or amendment that is on the agenda, but that the Honourable Member was seeking to make a statement, which is quite different.

**Mr. President** : I have been told that if I allow the Honourable Leader of the House to make a statement at this stage it would facilitate public business, curtail the debate and save public time. I have always exercised the power vested in me in such cases, and I propose to exercise that power in this case, and will exercise that power so long as I am in this Chair.

**Mr. M. Keane** : Sir, if I may be permitted to answer your question, I should like to point out that the power of the Chair is contained in Standing Order 32 which says that, after the Member who moves the motion has spoken (in this case Mr. Kelkar), other Members may speak on that motion in such order as the President may call upon them.

**Mr. President** : That does not give the Honourable Member who has moved the original motion the right to speak at this stage. He can only speak on his motion when he moves it and then ultimately speak by way of reply that is how we have always interpreted our Standing Orders I understand. But when the Chair is convinced that, by adopting this course, he would help the House in facilitating public business, saving the public time and in curtailing the debate, the Chair has got the power to call upon any Member to speak at any time.

**Maulvi Muhammad Yakub** : May I know if it is allowed under the inherent powers of the Chair ?

**Mr. President** : Under the unwritten law of this House. (Hear, hear.)

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : On a point of order, Sir, the House is in possession of a certain motion....

**Mr. President** : Order, order. I have already given my ruling.

**The Honourable Sir James Crerar** : Mr. President, I am grateful to you for giving me this opportunity of explaining to the House the conclusions to which Government, after very careful and anxious consideration of the views and arguments which have been advanced in the course of the debate, have arrived. I desire, in the first place, to acknowledge the moderation and the temperance of the language which has been used by the principal speakers in the course of this debate and their obvious unwillingness to use a recent unfortunate occurrence in order to cloud the real issues before the House by any considerations of passion or prejudice. I desire also to acknowledge, in the amplest terms, the sympathy and support of those who have appreciated the responsibilities of Government and the considerations which moved them to bring this measure before this House, and who have been willing to give all the assistance which is in their power. A grave and weighty appeal has been made to Government and, in what I have to say, I hope I shall be able to make it clear that it is the earnest desire of Government to respond to that appeal to the utmost extent in their power. To arguments urged with temperance and moderation we cannot, and indeed we have no disposition, to close our minds or our ears, or to fail to appreciate the sincerity and depth of feeling which have inspired them.

I think, Sir, that, reviewing the whole course of the debate up to this point, and eliminating some incidental points of controversy which have arisen, I may say that there have been two main streams of argument advanced which may be grouped under the head of two main contentions. The first of these contentions is that, though there may be some justification for the Bill, nevertheless it touches on some very fundamental issues. Some Honourable Members have expressed the doubt whether a sufficient concrete proof of its necessity and urgency has yet been adduced, and the view has been expressed in many quarters that this measure ought not to be placed permanently upon the Statute-book without a fuller measure of deliberation and consultation with public opinion. The second contention, or the second class of contentions, I would endeavour to summarise and comprehend as follows : that while the House would not extend its sympathy and approval to acts which are directed only to impede or defeat or delay the ends of justice, many Honourable Members take a different view of and place a different interpretation upon what has occurred. They regard it as a protest against what has been represented as harshness, inequality and injustice in the treatment of under-trial and of convicted prisoners. They contend that, if the grievances alleged were removed, it is at least possible that the necessity for this legislation might also be removed ; and I think that some Honourable Members went further and were prepared to say that, if this did not prove to be the case, after prompt and serious efforts were made to deal with the problem from that point of view, if they were convinced of that, they would then be prepared materially to modify their attitude towards this Bill.

Now, Sir, I propose to deal briefly in the first place with the second of these contentions, and I would remind the House once more that the administration of jails is a provincial subject, subject no doubt to the

superintendence, direction and control of the Governor General in Council. Nevertheless, the direct and primary responsibility for the administration of this subject lies quite definitely upon the Local Governments, and it is they who have to bear the whole financial burden of that administration. Therefore, whatever steps we take in this matter, I submit to the House that we must be scrupulously careful not to invade to any undue extent a sphere of administration which has been definitely made over to the Local Governments. I do not think any Member of the House would be prepared to endorse the proposition that it would be wise to prejudice or in any way restrict the measure of decentralised administration which has already been conferred upon the provinces and provincial Governments for the management of their own affairs. Well, Sir, I will advert very briefly to the fact that we have addressed the Local Governments in this matter in terms of which the House is aware, and several provinces have already appointed Committees in pursuance of the letter we addressed to them. It is our intention to summon a conference of provincial representatives as soon as that can possibly be arranged, but the Honourable Member from Bombay, Mr. Jayakar, in his powerful and incisive speech raised very definitely a particular issue. He alluded to what he described as racial discriminations in the Jail Rules, and I could not but appreciate the fact that that particular aspect of the question was one which made a very deep impression upon the House. I should like to say at this stage that the real basis which underlies the rules to which the Honourable Member referred was really something different in intention from racial discrimination. The principle is really one of equalisation of penalty, having regard to the fact that the previous standard of living of a person in prison will either mitigate or render more severe the character of his punishment accordingly as his standard of living is greatly above or below the normal average standard in the jail. The principle therefore is not one really of racial discrimination; it is one of equalisation of penalty; and as I have already pointed out to the House, these rules are applicable in most provinces to Indians who come within that category. However, I do not want....

**Pandit Motilal Nehru** (Cities of the United Provinces : Non-Muhammadan Urban) : On a point of order, Sir, I think you permitted the Honourable the Home Member to make a statement; but he is really taking advantage of that opportunity to reply to the whole debate. I submit that it is not right for him to do so, mainly because he is now summing up the debate in a manner which I do not accept to be correct.

**The Honourable Sir James Crerar** : Well, Sir, I have no intention of pursuing further any matter of argument; I shall restrict myself to stating, as briefly as I can, the conclusions at which the Government have arrived, and the attitude which they now take on the general question before the House. We know that there is a strong feeling in the House that, whatever action is to be taken should be taken with promptitude, and I have every desire to do the utmost I can to comply with it. I would therefore say that it is our intention, having regard to the questions which have been raised with regard to alleged racial discrimination and which, as Mr. Jayakar observed, were not specifically and in so many terms contained in our letter to the Local Governments,—we will now put them specifically to the Local Governments and the views which have been expressed in this House on that point will be

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communicated to them. I trust that it will be possible to call a conference of Local Governments at an early date, but I appreciate that the House would like something done at an earlier date than that, and I am therefore prepared to go further.

**Mr. M. B. Jayakar** (Bombay City : Non-Muhammadan Urban) : On a point of information, Sir, may I know from the Honourable the Home Member whether, in communicating to the Provincial Governments the views of this House, the Government of India will also communicate what their views on the matter are ?

**The Honourable Sir James Crerar** : That, I think, would be anticipating considerations which must come up later ; and perhaps if the Honourable Member will wait till I proceed further on this point, I can explain the matter more fully. I would remind the House that, in addressing Local Governments, we particularly requested them to ascertain non-official opinion in the matter ; and we hoped that leaders of non-official opinion would give the Local Governments the benefit of their views. We propose to take the same course ourselves and I should be glad to invite—and I hope the invitation will be accepted—leaders of various parties in this House to confer with me and communicate to me any concrete suggestions they have to make in this matter ; and these I will undertake to communicate with the least possible delay to Local Governments. At a later stage, when the views of the Local Governments have been received—and they will be expedited as much as possible—I propose, if my invitation is accepted, to seek further consultation on the lines I have suggested.

Now, Sir, I propose to resume the question of legislation very briefly. I have only this to say—I will not enter into matters of argument—nor do I propose to reply to the arguments which have been used on the legal aspect of the question,—I must only say this : that Government, after having listened very carefully to the debate, feel bound to maintain their opinion that there is a deficiency in the law and that that deficiency ought to be remedied. (*Mr. E. L. Price* : “Hear, hear.”) We still retain the view that the provisions of the Bill do not conflict with any principles of justice and fair-play (Hear, hear). The accused will always have the option of exercising their rights. Nevertheless I do not deny, and I have never denied, that there was an important principle involved. The view has been expressed that a very grave measure of emergency ought to be established before this Bill should be permanently enacted. There is some room to hope, Sir, that the degree of urgency which was at first apprehended is not so grave as it then was. Nevertheless I cannot conceal my own view that it is not by any means eliminated. In deference, however, to the views which have been so forcibly expressed in this House regarding the necessity for more deliberation and more consultation, Government are prepared to agree, if that is the wish of the House, to the circulation of the Bill, so that the matter may, if necessary, be considered next Session. But I do not wish to leave the House under any misapprehension or to give cause hereafter for a charge that I have not been completely candid with them. I must make an express reservation. Government remain unaltered in their determination to oppose indefinite impediments to the course of justice (*Mr. E. L. Price* : “Hear, hear.”) It is their duty to maintain peace and security, to protect the public in all its lawful



avocations and also to protect its own officers in the discharge of their duties. If, therefore, any contingency should arise in the interval before this House meets again which cannot brook delay, I must make it perfectly clear that there can be no limitation or qualification on the discretion of the authority in whom the necessary powers are vested ; and we must ourselves retain the liberty, if our advice is sought, to advise whatever action may be necessary to meet any situation that may arise. We sincerely trust that no such contingency and no such necessity will arise, and that all who are in a position to do so will use their influence, wherever and in whatever manner they can, to this end ; and in that connection I should like to refer to the wise words of counsel which fell on that point from Sir Purshotamdas Thakurdas during the course of the debate on Saturday.

These, Sir, are the immediate reasons which have weighed with Government in agreeing to the circulation of this Bill.

But there are other reasons to which also due weight has to be attached. I should like to refer in particular to the words of studied moderation used by the Honourable and learned gentleman from Bombay, Mr. Jinnah, when he referred to the general political situation and the great tasks that confront us in the immediate future. That was a consideration, Sir, which you also laid before the House at the commencement of this Session. I hope the House will believe me when I say that we were not unmindful of those considerations when we decided to lay the Bill before the judgment of the House. Nor are we unmindful of them now. Those considerations are of the gravest and most weighty character. We realise that, if anything can be done to remove all feelings of mistrust and suspicion, if anything can be done to substitute for them the spirit of reason, moderation and common effort, it is incumbent upon us, as it is also incumbent upon this House and upon responsible political opinion throughout the country, to do their utmost to promote it.

In coming to a conclusion, therefore, that we would agree to the circulation of this Bill, I beg the House to remember that that grave and weighty consideration was present to our minds.

**Maulvi Muhammad Yakub :** I move, Sir, that the question be now put.

**Mr. President :** I think that it is the general sense of the House that the question be now put.

The original motion was :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose (Insertion of new section 540-B) be taken into consideration ”.

Since which an amendment has been moved :

“ That the Bill be circulated for eliciting public and legal opinions thereon.”

The question is that that amendment be made.

**Mr. E. L. Price (Bombay : European) :** No.

**Mr. President :** Does the Honourable Member desire a division ?

**Mr. E. L. Price :** No, Sir.

The motion was adopted.

**Mr. President :** I must congratulate the House on the result.

## THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

(POINT OF ORDER *re* ADMISSIBILITY OF AMENDMENTS.)

**Mr. President :** With regard to the next motion which stands in the name of the Honourable the Law Member, I should like to say a few words about the difficulty I feel as regards the procedure to be followed and also as regards the admissibility of a large number of amendments which he has put down on paper.

As regards the procedure, the Honourable Member wants to move that the Bill as amended be passed. He also at the same time wants to move a large number of amendments to his own motion. I do not know whether it would not be a more correct procedure that he should ask some other Member of Government, or more properly, Mr. Mulla, who has studied the subject, to move those amendments instead of himself moving them. That is so far as the procedure is concerned.

With regard to the admissibility of those amendments, the Honourable Member knows the procedure of this House. At the Third Reading he can only move formal or consequential amendments to the amendments already passed. I am not sure on reading those amendments, that all of them are really formal or consequential amendments on the amendments which have already been carried. I would, therefore, like him to consider that aspect of the matter, and if there is no hurry, he might put down his motions tomorrow or the day after. I leave it entirely to him. He shall have to satisfy the Chair on every amendment that it is really a formal or consequential amendment which could not have been made at the consideration stage.

**The Honourable Sir Brojendra Mitter** (Law Member) : I accept your suggestion that the matter may stand over till tomorrow.

**Mr. President :** Tomorrow is a non-official day.

**The Honourable Sir Brojendra Mitter :** Then the day after tomorrow. Meanwhile, I can satisfy you, Sir, that every one of these amendments is either formal or consequential or both formal and consequential. There is no amendment of substance which has been laid down, and all these formal and consequential amendments arise out of the amendments which the House has passed.

**Mr. President :** If they arise out of the amendments already passed, the Chair will take no objection, but I feel some difficulty. I would ask the Honourable Member to examine those amendments once again and satisfy himself.

**The Honourable Sir Brojendra Mitter :** I shall do that, and I hope to satisfy you that all the amendments are either formal or consequential. Anyhow, I accept your suggestion, and I shall move these motions day after tomorrow.

**Mr. President :** That applies to the second Bill also ?

**The Honourable Sir Brojendra Mitter :** Yes, Sir.

## DEMAND FOR SUPPLEMENTARY GRANT IN RESPECT OF RAILWAYS.

**Mr. P. E. Rau** (Financial Commissioner, Railways) : Sir, I beg to move :

“ That a sum not exceeding Rs. 28,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March 1930, in respect of Companies' and Indian States' share of surplus profits and net earnings.”

This, Sir, is in a sense a formal motion, and it is not necessary for me to make a speech. The amounts payable to Railway Companies and Indian States are regulated under the terms of the existing contracts and are determined according to the working results of the previous year. The detailed reasons for the necessity of the extra amount asked for are given in the paper already circulated to the House, and they were considered sufficient by the Standing Finance Committee for Railways when they considered this demand.

**Mr. President** : The question is :

“ That a supplementary sum not exceeding Rs. 28,70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1930, in respect of Companies' and Indian States' share of surplus profits and net earnings.”

The motion was adopted.

### THE HINDU CHILD MARRIAGE BILL—(contd.)

**Mr. President** : The House will now resume further consideration of the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, clause by clause.

The question is :

“ That clause 2 stand part of the Bill.”

**Mr. M. S. Sesha Ayyangar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadian Rural) : Sir, I beg to move the amendment that stands in my name, No. 22 :

“ In clause 2 (a) for the word ‘ fourteen ’ the word ‘ eleven ’ be substituted ”.

Sir, in this connection.....

**Mr. Mukhtar Singh** (Meerut Division : Non-Muhammadian Rural) : Sir.....

**Mr. President** : The Honourable Member is a little late.

**Mr. Mukhtar Singh** : All I want to know is whether the amendment of Mr. Yamin Khan which we were discussing the other day was passed or rejected by the House.

**Mr. M. S. Sesha Ayyangar** : In moving this amendment, I am particularly aware that we have discussed at length the principle underlying this amendment. Therefore, with your kind permission, I shall try to be as brief as possible in presenting my case on this occasion.

In the first place, I want to premise, by bringing to the notice of this Honourable House, that there is a distinction between *Kanyadan* and

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*Garbadan*. *Kanyadan* is making the gift of a girl to a bridegroom in marriage; *Garbadan* is the consummation ceremony which usually takes place some time after the girl attains age, perhaps long after the *Kanyadan* ceremony. If that distinction is borne in mind, I consider that the House will take kindly to the amendment that I have moved. Sir, in moving this amendment I want to bring to the recollection of this Honourable House the idea of the Honourable Mover when he introduced this Bill in the first instance. He actually said that 11 would be the proper age to fix for a girl to be married because that he thought, and rightly thought, would really conciliate the orthodox view of this country. Next, I would refer the House to the Minute of our revered leader, Pandit Madan Mohan Malaviya, attached to the Report of the Select Committee. He said this :

“ I urged that the age should be fixed at 11 so that a law to restrain child marriages might be passed with the unanimous support of all sections of the community.”

Later on, he said :

“ If even 12 is fixed as the age marriages below which shall be punishable, it is possible that a section of orthodox opinion will be reconciled to it. But in view of the fact that marriage is a religious sacrament among Hindus, and in view of the belief which has prevailed on the question of the age of marriage among them for a very long time, to make a marriage above the age of 12 and below the age of 14 punishable by law will be a violent interference with the Hindu religion which I consider it my duty strongly to oppose.”

In dealing with the question of fixing the marriage age at 11, we are concerned not so much about the actual age of the girl but about the principle whether post-puberty marriage is to be compelled by law, or pre-puberty marriage as sanctioned by the Shastras should continue to be allowed. If for a moment the Government or this Assembly would say that they can prescribe the age after which only girls ought to mature and if they can enforce it, I should have no objection to conform to any age which may be prescribed by this Legislature. But that would obviously be a foolish venture, because no Government, no legislature is competent and powerful enough to say definitely that no girl in this country shall become of age before 14. If that is found to be an impossible task to attempt against nature, which would depend upon the climatic conditions of the several portions of this vast country,—if that is found to be an impossible task, I submit to the House it must be equally futile to fix the age of a girl at which alone she ought to be married. The Report of the Select Committee on clause 2 says :

“ We considered a suggestion that the minimum age to determine whether a female is a child for the purposes of sub-clause (a) should be reduced to 11 and another suggestion that it should be reduced to 12 years. The Committee, however, were emphatically of opinion that any such reduction would nullify the whole object of the Bill ”.

I am really unable to understand the reasoning of the Select Committee when they made that statement. If it is conceded that they want to shut out, or to put down, or to penalise all pre-puberty marriages, I certainly can appreciate the significance of this statement. But without going to that length, without saying so definitely, simply to say that the reduction of the age to 11 or 12 would be to nullify the object of the Bill is a thing which really passes my comprehension.

Sir, I said at the outset that I am urging this amendment of mine upon the House only for this particular reason, that we who believe in Shastraic injunctions—I am presenting the orthodox view to the House in a most humble manner—if we believe and if you concede that we are equally honest in speaking out our convictions to the House—if we believe that our Shastraic injunction restrain post-puberty marriages for *Durjās* and make it absolutely necessary to indulge in pre-puberty marriages, then the question for consideration will simply be this, what is the age, what is the safe limit of age within which marriages may properly be forbidden by this Legislature if it is inclined to. With a view to solving this difficulty I have been at some pains to analyse the Report of the Age of Consent Committee which I am told is a very precious document. I shall not dispute the truth or the accuracy of that statement, because it is possible that there are a few passages here and there in that Report in which unanimity of opinion there may not be ; but all the same it contains very many statistics and figures upon which we can base our case or draw our own conclusions. And from the very close and careful analysis that I have been able to make from this standpoint, I find these things. There are 14 areas on which they have concentrated their attention, and so far as the age of puberty is concerned, in the Punjab they find the age to be from 12 to 16 ; in the North-West Frontier from 13 to 15 ; in Delhi from 12 to 13 ; in Ajmer-Merwara 13 or 14 ; Bombay from 12 to 15 ; in Deccan and Karnatak from 12 to 15 ; Gujrat 12 to 14 ; Sind 13 to 15 ; Madras 12 to 14 ; Assam 12 to 14 ; Bengal 11 to 13 ; Bihar and Orissa 12 to 14 ; the United Provinces 12 to 15 ; the Central Provinces and Berar 12 to 13. So that the House will readily find that the lowest age at which puberty takes place in girls is 11 in Bengal and the highest is in the Punjab where it extends to 15 or even 16. We are trying to legislate for the whole of India. We are not excluding any province from the category of the areas to which this Act may apply. If we are bent upon legislating for the whole of this vast country, if we place all these provinces on the same footing, and if for a moment you concede to me my honest conviction that it must be pre-puberty marriage—that we feel for so much—if you concede these two positions, it at once follows that if 11 is the lowest limit at which puberty occurs in Bengal, and if we legislate for the whole of India, I submit that 11 must be the minimum age at which marriage must take place if I take it the House really feels for our honest convictions. I quite feel the weight of feeling ranged on the opposite side. I quite realise and appreciate that a large section of this House really wants to fix the age of marriage of girls regard being had to the very many data that have been collected by the Age of Consent Committee. I quite appreciate the feeling with which some of my Honourable friends spoke on the last occasion when they dwelt on the atrocities which have been noted down in the Age of Consent Committee's Report. I quite appreciate that view point ; but my present task will be to see these two view points reconciled, and reconciled in a way that will offer the least resistance to the conscience of the orthodox community, who are keen on having the marriages of their girls celebrated before the girls reach puberty.

If from an analysis of the Report, I am able to show conclusively to the House that the age at which puberty begins, at least in Bengal, is 11 and that it varies from 11 to 16 for the whole of India, then I submit that would be a paramount consideration in the fixing of the age at 11. (An Honourable Member : "What is the average?") It varies from

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11 to 16. The stand I am taking is simply this. If at least in one province for which you are making this law, the age of puberty is 11 and if you want to reconcile that actual fact with the attitude of the orthodox section in this country who want to have their marriages performed according to the Shastraic injunctions before the girl attains puberty, it readily follows that 11 is the age which we must really fix. Then, Sir, I find that, in five at least out of the 14 provincial areas into which the Age of Consent Committee carried their investigations and deliberations, namely, the Punjab, Delhi, Ajmer-Merwara, wherefrom the Honourable the Mover hails, Bengal and the Central Provinces and Berar,—and I am very much pained to note it,—pre-puberty congress has occurred. Sir, this is a thing entirely foreign to the minds of people coming from my part of the country. We cannot even imagine of a single case of the kind occurring in Madras, as has been recorded by the Age of Consent Committee in the case of these five areas to which I have referred. If there are brutal husbands I am sorry for them. (*An Honourable Member*: “It is a question of degree only.”) The age of Consent Committee has not recorded a single instance from Madras. It is not a question of degree at all. My position is this. If unfortunately these things have come into prominence in some areas, I think, we, who may call ourselves saints in this matter, ought not to be classified with these brutal husbands that exist in some parts of the country and placed on the same category with them, simply because we happen to be under one Government and one uniform law is to govern us all. Is it our sin that we, saints in this matter, should be placed in the same category as these brutes that exist in some parts of upper India? If there are a few stray cases here and there where husbands have misbehaved and maltreated their wives, I humbly submit to the House there is absolutely no reason whatsoever to classify us along with them and legislate for us all together in the way that this Bill seeks to do.

In this connection I would also bring to the notice of the House what is recorded in pages 336 and 337 of the Age of Consent Committee's Report. There, the House will find a statement showing the age of menstruation of girls among the different communities in India. It says :

“ Among natives of warm climates menstruation occurs earlier than among natives of temperate climates.”

In the next paragraph you find :

“ In the class of pure native Hindus and Mohammedans but chiefly the former the greatest percentage of dates for first menstruation occurs between the 12th and 13th years, amounting to 65.7 of the whole class.”

I would invite the attention of the House again to page 337. The House will note that only two per cent. of the entire number of girls that first menstruate reach their age of puberty below 11. So that, if you fix the minimum age at 11, that covers, from the orthodox point of view, about 98 per cent. of the girls in this country who conform to the orthodox custom. Only two per cent. of the girls reach their age below 11. That would be a very small fraction and negligible in considering this broad aspect of the case. If you omit this insignificant fraction of two per cent., you will find that 98 per cent. of the girls reach their age from 11 upwards. That would be another consideration why 11 must be the minimum age.

Then, Sir, there is also an appendix appended to this Report, which is appendix XI. Here also we are given statistics about a Vaidic family. I may tell the House that a Vaidic family is a family which conforms to our ancient Hindu ideals and which lives an orthodox life. From an examination of this analysis given in Appendix XI, we find that, in the case of the Vaidic family which observes the Shastraic injunctions, there is absolutely no evil of the kind that has been put down as the strongest ground for the enacting of this law. That is an incontrovertible position which emerges out of this analysis. That conclusively shows that in the Vaidic family which conforms to orthodox customs and to pre-puberty marriages, absolutely none of the evils complained of by the Age of Consent Committee exists.

When I made my general speech on the Bill, I brought to the attention of the House certain scientific things ascertained about this matter. I would not repeat all of them, but I would bring to the notice of the House that Western sociologists are also in favour of the age of 11 and early marriage. I will briefly refer to two or three authorities on this subject. Frederick Pincott says :

“ Everything tending to the peace and well being of society has been long since reduced by the Hindus to well ordered rules deduced from the unchanging facts of nature. Any introduction among them of our crude ideas can only result in mischief and tend to bring the Hindus to the same chaotic scramble of antagonistic interest which is the characteristic of our own disgraceful social muddle.”

He also says that all parties are united in the opinion that the Hindu married life is an exceptionally happy state, and this is the clearest proof of the excellence of the system, and the severest condemnation of those who are seeking to unsettle it.

The Rev. J. Tyssul Davis is also of the same opinion. He says that  
 1 P.M. the Hindu ideal of marriage is “ a highly evolved one ”, and Mr. Otto Rothfield in his “ Women of India ” says the same thing :

“ In general it may be said that the Hindu rules of marriage are, in the ordinary sense of happiness, as conducive to the happiness of the spouses as the fast-transforming systems of modern Europe ; and their happiness is less self-centred and more altruistic.”

I submit, Sir, I am also supported by the view of Western sociologists, and I might also, in this connection, bring to the notice of the House the very Hindu law of marriage which is in force in this country. I have got an analysis made for me by a commentator and he describes the periods of marriage as four periods ; for the Brahmana he says the age does not extend to beyond eleven, for the Kshatriya not beyond the first menstruation period, for the Vaishya not beyond the first menstruation period, and for the Shudra there is no mention. For the first three castes the utmost limit to which marriage can be postponed is definitely eleven in the case of the Brahmana and in the case of the others till the occurrence of the first menstruation. So eleven is the safe limit to which we can carry our legislation. I submit that all these texts clearly lay down eleven as the proper age of marriage. Sir, I may also bring to the notice of this House a very able statement made by Rai Kalicharan Sen Bahadur from Gauhati. He is also in favour of eleven, and he gives excellent reasons, but I shall not repeat them. I will only read his statement

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regarding eleven, and even when he is inclined to fix eleven as the marriage age, he is for asking Government to make a promise for he says :

“ If any age above eleven years be fixed for marriage, I hope the reformers will extract a promise from the Government that it shall establish poor houses, maternity homes and orphanages as occasion will arise.”

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, on a point of order, is it permissible that the Leader of the House, whose vote would seem to determine this question, should be absent when such cogent arguments are being put forward for the amendment ?

**An Honourable Member** : He has made up his mind already.

**Mr. President** : The Leader of the Opposition is also under the same disability, is he not ?

**Mr. Amar Nath Dutt** : He is free in this matter.

**Mr. President** : Mr. Sesha Ayyangar.

**Mr. M. S. Sesha Ayyangar** : I would suggest that the Central Legislature should fix the age at eleven and give the local Legislatures power to increase it, so that each province may be able to adopt the age that is most suitable for it because a measure which may be all right in one province may act too oppressively in another. Then, Sir, he also says :

“ We do not base our opinion on religious grounds. We are aware that some people who follow the Shastraic injunctions will be hit by the proposed legislation but we believe that if eleven is fixed as the minimum age, it will not be too oppressive.”

Sir, in this connection I might warn the House against making an experiment in this matter. I need not particularly lay stress on the fact that religion is a sphere which one must hesitate to encroach upon and we must be very cautious in treading upon the sacred religious ground, and if at all we want to make an experiment by fixing the age for the marriage of girls, then that experiment should be made very cautiously. In this connection I would beg leave to read a statement made by a very great authority in my part of the country on these matters, and this is what he says :

“ Whatever we may do in a spirit of light-hearted experimentation—I know that these are days of science and that hence the only rational and regnant method is that of observation and experiment, of rather experiment and observation, *i.e.*, suicidal experiment and callous and amused observation by others—, we must not apply light-heartedly the method of experimentation in the realm of sacred things or in the realm of such social institutions as bear not only on the immediate present but have effects on the past generations and repercussions on the generations to be, and as relate not only to the welfare, supposed or real, of the persons whom we see about us, but relate also to the welfare of those very persons in their future existence.”

Sir, these are pregnant words, and I ask the House calmly to consider whether, in making this new experimentation, we should not go rather slowly, and whether the modest amendment that I have moved, to fix the age at eleven, is based on any irrational basis and whether it is at all opposed to medical testimony. I would also ask the House to consider if the age I have proposed is not the correct age, having regard to the opinions I have quoted of Western sociologists. Sir, I might also say—in fact it has been said by so many eminent critics—that to restrict the age of marriage for girls to 12, 13 or 14 is quite arbitrary and has nothing like a Shastraic or medical basis. So I submit that on all these grounds my amendment should be accepted by the House.



**Kumar Ganganand Sinha** (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadian) : Sir, on a point of order, may I move the amendment which stands in my name on the paper, now ?

**Mr. President** : Mr. Sesha Ayyangar rose to move his amendment, and I did not see the Honourable Member get up to move his. . . .

**Kumar Ganganand Sinha** : Supposing, Sir, the amendment moved by my Honourable friend, Mr. Sesha Ayyangar, is negatived, shall I be entitled to move my amendment ?

**Mr. President** : The Honourable Member must protect his own interest. He should have risen in his place when I put the question that clause 2 stand part of the Bill. The only Member who stood up was Mr. Sesha Ayyangar and therefore I called him.

**Kumar Ganganand Sinha** : With due deference to you, Sir, I did get up.

**Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions : Non-Muhammadian Rural) : I did see Kumar Ganganand Sinha get up, Sir. I think, Sir, the first amendment to be taken up was that relating to eleven, and that if that is lost, we should go on to the amendment fixing twelve as the age, and if that is lost, to the amendment fixing the age at thirteen. . . . .

**Mr. President** : I accept the Honourable Member's word and, if there is a general desire on the part of Honourable Members to move their amendments, I will also allow Kumar Ganganand Sinha, Mr. Belvi and Mr. Mukhtar Singh to move their amendments.

**Kumar Ganganand Sinha** : Sir, I rise to move :

“ That in clause 2 (a) of the Bill, for the word ‘ fourteen ’ the word ‘ twelve ’ be substituted.”

**Mr. M. S. Aney** (Berar Representative) : May I ask whether you want the amendments in favour of the age of eleven to be discussed and voted by the House before any amendment with regard to any other age is taken up ?

**Mr. President** : I propose to take the amendments favouring 12, 13, 14 and 16 all together, and after allowing a general debate on them, I will put one by one to the vote.

**Mr. Amar Nath Dutt** : What about my amendment, Sir ?

**Mr. President** : Your amendment is ridiculous. (Laughter.)

**Mr. Amar Nath Dutt** : But on that ground it cannot be rejected ?

**Mr. President** : The Chair has got the power to disallow it.

**Mr. Amar Nath Dutt** : An amendment can be rejected on the ground that it is frivolous, but before that, you will, Sir, hear me ?

**Mr. President** : I have already decided the point; it is not necessary to hear the Honourable Member.

**Kumar Ganganand Sinha** : Sir, I crave your indulgence and the indulgence of the House in dealing with my amendment at some length, because I feel that on this amendment largely hangs the fate of the Bill. There is a considerable body of opinion which would accept the principle of the Bill but would not be prepared to beyond a certain age ; the

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maximum of the minimum marriageable age is, I submit, according to a large number of people 12.

**Mr. E. L. Price** (Bombay : European) : Shame !

**Pandit Madan Mohan Malaviya** : Learn manners.

**Kumar Ganganand Sinha** : I am as anxious, Sir, as any Member of this House for the smooth working of this legislation. If this Bill, when passed into law, is not successfully worked, I shall be very sorry. I would therefore ask the House to realise that the soundest policy, the statesman-like policy, that it should follow in this connection, is the policy of least resistance. Let it satisfy itself how when the Bill is carried and becomes a law, it will carry along with it the support of a large number of people who will be affected by this law, and vote for the Bill in that form.

Sir, my Honourable friend Mr. Sessa Ayyangar has referred to the orthodox view in this matter. I would venture to say that, even if the minimum marriageable age is brought to 12, the orthodox opinion will be reconciled to it. He has quoted the opinion of my esteemed and Honourable colleague, the leader of the Nationalist Party. In the course of the debate on the 15th September, 1927, he made that point clear. He said :

“ Manu, the greatest of our law-givers, laid it down that a man of 30 years ought to marry a girl of 12 years, and I want that the marriageable age should be raised to 12 years, not as the latest age of the marriage of a girl but as a great advance, an enormous advance, upon the position that exists today.”

That is the spirit with which we should look at the question. It is no use putting an age which will not be acceptable to a large number of people on various grounds, such as the ground of religion, the ground of the existing custom, handed down from generation to generation for thousands of years, and so on, because the legislation may in that case be either extremely coercive or a dead-letter. But if you put an age which will be acceptable to them, you ensure the success of the Bill which you are going to pass into law. What is the position ? We are launching upon a scheme for social reform. We are making it a penal offence to do certain things which the society had been practising from time immemorial without let or hindrance : and in doing so, our chief object is to see that the practice is given up more by the realisation of the evil consequences than by the fear of punishment. I consider the piece of legislation primarily as a measure of immense educational value which will give active help to the movement for the stoppage of the pernicious system of child marriage. I confess, I would have never given support to the Bill if I had not considered it to be a measure which would stop a system more widespread and injurious to the national interests than the occasional highhandedness of the local authorities. Such being the case, I think the lesser the number of the people who will oppose the measure, the greater will be the measure of success which will attend this legislation. I feel that the age as it now stands will not be acceptable to what is called the orthodox opinion, and especially to the people who belong to the higher classes. They will oppose it for the reason of age alone, even if they may agree to the principle of the Bill. I do not argue whether they will be right or wrong. But their feeling is there. The House must realise that the people who belong to the higher castes are

the leaders of society. The general multitude will go with them ; and if they take a certain standpoint, they will be followed by the multitude that surrounds them. That being the case, I think we must proceed by slow and gradual steps and we must fix the age at a figure to which they can be reconciled at the present moment. After the public opinion is ripe, and I hope it will be after a certain number of years, you may raise the age of the marriage and as the public opinion grows go on increasing it. But, not now. Look at the history of the Age of Consent Bill. Formerly there was no law on this point. You had it raised to 10. Then you had it raised from 10 to 12. There was a good deal of opposition to it, still the public opinion was behind it. And now the Age of Consent Committee has recommended 15 years. I am sure that if the age of consent is raised to 15 years, there will not be much opposition even from the orthodox section of the community. As a matter of fact, from the talks I have had with and from the opinions I have seen of most of the members of the orthodox community, about the age of consent being raised to 15, I venture to think that they will have no objection.

**Mr. President :** But Mr. Sessa Ayyangar is in favour of 11.

**Kumar Ganganand Sinha :** That is not the age of consummation. I was referring to the Age of Consent Committee's Report. If we pass the law, in spite of the opposition that we see today to the marriage age, I think the authorities that will be called upon to administer the law will be faced with very great difficulties as it will stiffen the back of the opposition. If we have the law at 12, I think those who will otherwise oppose the Bill will gladly work it as they will be actuated by the motives of the prevention of child marriage alone. I consider, Sir, that, even if we pass the law at 12, it will be a great advance on what the conditions are today. We have seen that although marriages largely take place now between the ages of 13 and 15, girls of even 5, 6, 7, 8, 9, 10, 11 and 12 are married. You will, by passing this law, stop that practice, and it may be hoped that, if you pass the law with 12 as the minimum marriageable age now, in the census of 1941 you will find that not one marriage has taken place of girls below the age of 12. It may be that, if in the meanwhile the public opinion grows, you may again raise the age of marriage according to its demands. The result then will be further satisfactory. In actual practice, you will see that, when the law stands at 12, the marriages before the age of 14 will not take place. There are very many difficulties in the way of the marriage being celebrated earlier than 14, even though the law stands at 12. When the law is at 12, the parents of the girl will not think of marriage generally till the girl has completed 12 years. After that, they will think of marriage. Naturally, there will be so many difficulties in getting a bridegroom, not to speak of other difficulties, that for all practical purposes, they will not be able to marry their girls before they attain 14 years of age. Dr. Ducourie Ghose, who is one of the Registrars of Marriages among the Brahmans and is the author of the "Nubile Age of Females in India", draws our attention to the fact that though the Act of 1872 prescribes 14 years as the limit, yet marriages seldom take place under sixteen years. If we draw an analogy from the state of things existing in the Brahma society, I think if the law penalises all marriages under 12, then we can safely say that generally the marriages will take place after 14 years.

Then, Sir, if marriages are celebrated at a very late age, it is apprehended that that will change the very aspect of Hindu society. The people

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in this country, a very large number of them, do not favour the change in society according to the Western lines. They take pride in their society as it exists today. Of course they are alive to certain drawbacks in the society. They want to improve, but they do not want any rash change. They do not want that it should be changed after the Western societies. The latest publications about the state of society in America—I particularly mean "Unhappy India" by the late lamented Lala Lajpat Rai and "Uncle Sham" by Kanhayalal Gauba—have filled the minds of Indians with prejudice against the Western mode of living and Western societies. They would far better be called backward and remain in the society in which they are, than try to imitate the West and help their society to become like the one depicted in those books. That, Sir, is one of the genuine apprehensions in the minds of the orthodox community in this country, and it stands in the way of their advocating any higher age of marriage than 12. It may be that there are parts in this country, there are communities in this country in which late marriages are celebrated, but that does not, I submit, dispose of the objection of the rest of the people, which comprise perhaps more than fifty per cent. of the population, who are not governed by those same social rules. They feel that the marriageable age at this moment should not be fixed at more than 12 years of age. That is the reason why the Hindu Maha Sabha has not gone beyond 12 years, the Sanatan Dharam Sabha has not gone beyond 12 years; our revered Leader, Pandit Madan Mohan Malaviya in spite of his strong views for the prevention of child marriages, has not gone beyond 12 years.

Sir, the Age of Consent Committee is of opinion that frequent revision of marriageable age is not desirable. I confess I have not been able to follow that part of their argument. When it was possible to revise the age of consent at least two or three times, I do not see what can prevent us from revising the minimum age of marriage from time to time in accordance with the demand of public opinion. I took some pains to see what the opinions of the different parts of this country were with regard to the age clause in this Bill. I find that there is considerable volume of opinion who favour the minimum age to be fixed at 12 years. For example, the Chief Commissioner of Coorg thinks that it is expedient to fix the age for girls at 12 as a first step. The Chief Commissioner, Ajmer and Merwara, thinks that the age for girls should be fixed at 12 years, at the outset. Then the Governor in Council of Bengal is of the same opinion. The Jain Svetambari Tirpanthi Sabha suggests that the age should be 12. The Vice-Chancellor of the Allahabad University, Mr. Gopinath Kaviraj, and Justice Nanavati think that the age should be 12. The Government Pleader of Gauhati would support the Bill if the age limit for girls were reduced to 12 years. The conservatives and the orthodox people in Madras suggest that the age for girls should be fixed at 12. The Advocate General, Madras, is of the same opinion. Justice Mepherston of the Patna High Court considers 14 and 12, respectively, as the proper ages for boys and girls. The Local Government of Bombay are in favour of 14 years, but a majority of those consulted hold the view that the age limit for girls should be 12 years. The Bhagini Samaj suggests 16 and 21 as age limits of girls and boys, respectively.

**Mr. President :** That does not support your position. You can read only those passages which support you.

**Kumar Ganganand Sinha :** Later in the paragraph, I find opinion favouring 12. Now, Sir, these are the opinions received in support of the age of 12 from the different parts of the country, and you might have noticed that from every part of the country there is a section of opinion that favours the age of 12, and the section is, I submit, a very influential one.

Sir, one of the chief objections to marriage at any age below the age of 14, which has been fixed by the Age of Consent Committee, is that the early marriage will lead to early consummation, and it is evident that all those evils of early marriage which we decry can be brought about only by early consummation. So far as early consummation is concerned, I have stated, Sir, that even orthodox opinion does not object to the age of consummation, that is, the age of consent, being raised to 15 as recommended by the Age of Consent Committee. But marriage is looked at from a somewhat different standpoint from that of consummation. It is looked upon as a sacrament and as such it would be a violation of the sacrament if the marriage is not performed at an early age. If the recommendations of the Age of Consent Committee are accepted, early consummation will not take place even if marriages are celebrated at the age of 12. With this belief I am moving the amendment which I have read.

Then, Sir, if you look at the age fixed in the different Native States, you will see, as is given in page 344 of the Age of Consent Committee's Report, that of six Native States as many as three have fixed the minimum age at 12, one at 8 and the other two at 15. So, you will see that the public opinion in a majority of them is for 12 years.

Then, Sir, I am particularly anxious about my own province. If you take various communities among whom early marriage is practised in my province, less than one-fifth of the population are affected if the marriageable age is fixed at 12. Any higher age will touch a larger proportion and in that case it may be difficult to check the volume of discontent. My Honourable friend Mr. Kelkar said that when the marriages take place at ages varying between 5 and 12, you will be coercing some people if you fix the marriageable age at 12. Well, to that I would only say that if you fix the marriageable age at 14 you will be coercing the bulk of the people who marry. Here at page 337 of the Age of Consent Committee's Report, you will find that the bulk of girls attain puberty between 12 and 14 years of age and they are married generally at or before that age.

**Mr. President :** Then why not support Mr. Sessa Ayyangar ?

**Kumar Ganganand Sinha :** My point is, Sir, that the maximum limit to which orthodox opinion can go is 12 years. Eleven years may be a very safe age, but the maximum to which they can go is 12 years. And if you see the observations of the Age of Consent Committee, you will find that, even in Madras, people would not object to 12 years, if that is made law. So for the prevention of this evil, I would go to the maximum limit to which orthodox opinion can go. Sir, we must realise that we cannot leave everything to law. Much has to be done by educative propaganda, and as I have stated, it is because I look upon this Bill as helpful to that propaganda that I welcome it most. I consider that the absence of any acute hostility to the law will be a most useful method of carrying on this educative propaganda ; hostility to the measure will retard it. We have an ignorant and credulous mass. The change should not be so sweeping

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as to goad them to take up arms against it in despair. Sir, lately we have seen the effects of sweeping changes in social matters in our neighbouring country of Afghanistan. I think such a thing will not be allowed to take place here. We want the law to be effective, and we can succeed only by following the line of least resistance. For these reasons, Sir, I move the amendment.

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

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

**Mr. D. V. Belvi** (Bombay Southern Division : Non-Muhammadan Rural) : Sir, the amendment which stands in my name runs thus :

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

I must state very frankly that my personal opinion is that the age should not be below fourteen. I have already told the House more than once that in my own family I have observed that limit of age and God willing I mean to observe it hereafter. But at the same time I remember the fact that the piece of legislation which we wish to enact is a piece of legislation which is likely to affect a very large number of orthodox people, people who conscientiously believe that their religion requires them to get their daughters married before they attain their puberty. It is only with that object present to my mind that I have placed this amendment before this House, something which is a golden mean between the ages of twelve and fourteen. If the House likes to accept this golden mean for the present and satisfy at least some people, it will be politic and wise.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : But will the orthodox people accept thirteen ?

**Mr. D. V. Belvi** : I do not know. It is true that in this House we have been told by two learned gentlemen, one the leader of my party, Pandit Motilal Nehru, and the other my learned friend, Mr. Jayakar, that they profess something like contempt for our religious books. One gentleman has said that he has consigned to the waste paper basket the recommendations in favour of this Bill and also the protests against the Bill. The other has told us that, what is stated in the Shastras is not to be found in the Vedanta, and that all those old authorities are absolute rubbish. I am not talking to people who hold those views. But I believe that I must respect the opinion of a very large number of people in this country who may be right or who may be wrong but who conscientiously believe that their religion tells them to do something. We are bound to respect their scruples.

Now, for the benefit of my European friends and others who have not read the original Shastras in Sanskrit, I wish to read just a few lines from a book which is written by a gentleman who knows India intimately— I am going to read from a book written by Sir Herbert Risley—“ The

People of India'. This quotation, which I am going to read, might perhaps throw some light on the religious opinions of the Indian people so far as the marriage of Hindu girls is concerned. I know nothing about the Koranic law, about the marriage obtaining among the Muhammadans; I know nothing about it. This is what the author says :

"In no department of life is the contrast sharper between the East and the West, the stationary and the progressive societies, the races of India and the nations of Europe. The first point which strikes an observer is the almost universal prevalence of the married state. In Europe sentiment and prudence hold divided sway, and the tendency on the whole is rather towards a decline in the number of marriages. In India neither of these motives comes prominently into play. Religion, on the other hand, which in the West makes in the main for celibacy, throws its weight in India almost wholly into the other scale. A Hindu man must marry and beget children to perform his funeral rites, lest his spirit wander uneasily in the waste places of the earth. If a high-class Hindu maiden is unmarried at puberty, her condition brings social obloquy on her family, and on a strict reading of certain texts entails retrospective damnation on three generations of ancestors."

That, Sir, is what is stated by Sir Herbert Risley in his book. This may perhaps weigh with some Members of this House. I know the House is not in a mood to listen. . . .

**An Honourable Member :** He is no authority on a Shastric matter.

**Mr. D. V. Belvi :** I do not profess to be an authority on Shastras; I have already said that in my own family I observe fourteen as the age and I say that society is prepared to tolerate and put up with a gentleman like me; but society is not prepared to take a law from you forcibly; that is my point. Now that the House has made up its mind to pass this social legislation against the consent of the people, I believe. . . .

**An Honourable Member :** Not against their consent.

**Mr. D. V. Belvi :** I do assert it and I assert it thrice. I submit that those who believe that this legislation is in consonance with the opinion of the masses of the people are without doubt living in a fool's paradise and they will find it out very soon. But that apart, I have already referred to this age limit that I propose as a golden mean. I merely want to enable this House, if they are so minded, to accept my amendment, and in placing it before the House I hope the House will take it for what it is worth.

**Mr. Mukhtar Singh :** Sir, I beg to move :

"That in clause 2 (a) of the Bill, for the word 'fourteen' the word 'sixteen' be substituted."

At the very outset I beg to state that I am a believer in the Shastras and the Vedas and I belong to the school of thought which believes that the minimum age for girls to marry is sixteen and for boys twenty-five. When I rise to move my amendment, I believe conscientiously that I am doing something which it is my duty to perform and there are other reasons for doing this. The latest pronouncement that has been placed before us is the Age of Consent Committee's Report, and therein it has been laid down that the minimum age at which the girls should be married should be fourteen. But I would like to point out that, if you read page 178, you will find that the age of 14 for marriage of girls is not the result of their considered opinion, but is the result of a compromise. I shall read their words and that will convince the House that, according to the Members of this Committee, the age for marriage should be not less than sixteen for girls. They say, Sir, on page 178 as follows :

"It was also suggested that we should straightaway go to 16 as the minimum for marriage as the dissatisfaction amongst the more conservative people will be just

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the same at 14 or 16, both being post-puberty ages. We, however, fully realise the difficulties and the intensity of feeling of the latter class and think that the least age we can recommend as a definite step towards the ideal of 16 cannot be less than full 14 years. We expect that some time will be taken in arranging matches after 14 and some further period may elapse before actual consummation takes place. Like all compromises the age limit of 14 may not satisfy either of the parties. We feel however that once 14, the age of puberty, is passed, the Rubicon will be crossed and the limit of 16 automatically reached, so as to render legislation for further advance unnecessary."

This clearly shows, Sir, that when I am moving my amendment, I am voicing the opinion of the Members of the Age of Consent Committee. Again, Sir, at page 172 of the Age of Consent Committee's Report, it is said :

"The educated women have almost unanimously declared for advance in the age of consent to and for a law of marriage at 16 at least."

Now, this is also a point in my favour, which clearly proves that 16 is the minimum age which the educated ladies consider to be a proper age at which girls should be married.

There is another point, Sir, looking at the whole question from a practical point of view. I would like to refer the House to the Census Reports, which clearly bring out that, even today more than 50 per cent. of marriages take place after the age of 15. That shows that if we are to legislate on the marriage law, we ought not to put the age at anything less than 16 years.

Sir, it has been stated by some Honourable Members that there is an orthodox opinion which will be against child marriage. I would refer to page 27 of the Report in which they say that the custom of early marriage is more prevalent among the lower castes than among the higher ones. That clearly shows that those people who indulge in child marriages are not the higher castes, but they belong to lower castes, and those people have no regard for religious sanction.

My friend Kumar Ganganand Sinha said, "Let us legislate and fix the minimum age of 12, and then public opinion would come round and a time might come when the orthodox opinion also would be with us". I submit, Sir, that, during the last thirty years, there has been practically no improvement in this matter.

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

I may in this connection refer Honourable Members to page 28 of the Age of Consent Committee's Report :

"In spite of all the agitation for early marriage, the reform societies do not appear to have had much practical effect so far even within their own circles, much less upon the masses."

This clearly shows, Sir, that the idea of slow progress should not appeal to the House, and we should fix the marriageable age at not less than 16.

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I would submit, Sir, that, according to the Shastras, there are two ideas amongst the people ; one is that there should be pre-puberty marriages, and the second is that there should be post-puberty marriages. If you are going to enact a law which will clearly go against pre-puberty marriage, I do not understand why we should not fix the age at 16 instead of 14, when the medical



authorities and the Shastras also propound that the marriageable minimum age of girls should be 16. When you know full well that, in enacting this law, you go against the orthodox people who believe in pre-puberty marriages, why should you fix 14 and not 16? (*An Honourable Member* : "Why not a higher age"?) It has been asked why should not the age be higher. Personally I would not be sorry for it, because according to our Shastras 16 is the minimum age and 24 is the maximum age for girls.

Some Honourable Members quoted the authority of medical opinion to the effect that there is no harm if consummation takes place below 14. I would submit that according to our own Ayurved the greatest authorities are Sushruta and Baghbhatta, and both of them hold that the minimum age should be 16. . . . It says :

*Panchvinsho Tato Varshe Pumanaritu Shodashe.  
Samatwā Gataviryō tan Janiyat Kushalo Bhishak.*

Not only this, but it also further on lays down that, if there happens to be pregnancy before the age of 16, miscarriage will take place and if a child is born it will not live long, and even if it lives, it remains very weak. That is the medical authority on the point. That must satisfy some of our Hindu brethren that 16 is the minimum age when marriage should take place. I am told that there is a difference between marriage and *Garbhadhana Sanskars*. I admit these are two definite *Sanskaras*. One is known as the *Garbhadhana Sanskar* and the other is known as marriage "*Bibahu*". *Garbhadhana* is also known as *Chaturthi Karam* "*Chaturthi Karma*".

**Mr. M. S. Aney** : No, that is the sole difficulty.

**Mr. Mukhtar Singh** : Therefore I maintain that, after the fourth day of marriage, the *Garbhadhana* should take place, and therefore you cannot, according to our own Shastras, differentiate between marriage and consummation of marriage. Then again, according to our Shastras, *Garbhadhana* is a ceremony not only to be performed once but always, and therefore you cannot say that the *Garbhadhana* ceremony or *Sanskar* is a different thing from marriage. Therefore we cannot fix the age of consent at a higher age while we can keep the marriageable age at 12 or even lower.

There is another point which I consider to be very very important. According to Hindu Law or the Shastras, once a marriage is always a marriage. If it is so is it then not necessary that, when a marriage takes place, the boy and the girl should know their duties, and they should be able to understand the consequences that are to follow? If you marry a minor girl and if the Shastras declare, according to certain gentlemen, that marriage should take place before 12 when the boy or girl may not know what marriage really means, I would submit that we would be practically forcing one section of people. This means that girls ought to have no voice in their marriage and yet they should be bound for all times to come.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Do the boys have a voice?

**Mr. Mukhtar Singh** : Certainly they have.

**Mr. B. Das** : That is news to me.

**Mr. Mukhtar Singh** : I may be allowed to state that, according to the *mantras* that are recited at the time of marriage, the boys and girls should

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be of sufficient age to understand the meaning of marriage. There is a *mantra* which runs as follows :

*Om, Omo, Aham Asmi Sa Twam Sa Twamsyamo Aham...etc.*

It clearly means, " I understand what is meant by marriage and knowingly I enter into the contract ". That means that marriage is to take place at a time when the boys and girls understand what is the meaning of marriage. I would be very much obliged if any Honourable Member who speaks against this amendment will say whether these words can mean any thing else. That means clearly, just as you have the words in the ordinary deeds " Ba-raza-o-raghbat-i-khud ", that the marriageable age according to the Hindu Shastras, according to the highest authority of the Vedas, ought to be at a time when boys and girls can understand what they are doing. Unfortunately, to-day these *mantras* are not recited by the husband and the wife. That is our misfortune. In accordance with the Shastric injunction they ought to be recited by both the husband and the wife. There are other injunctions in the Smrithis also that a girl ought to wait at least for three years after the first menstruation takes place. That will bring the age to 16.

**Pandit Nilakantha Das** (Orissa Division : Non-Muhammadan) : At least for three years ?

**Mr. Mukhtar Singh** : At least for three years, that is how we render the translation of that Sloka.

**Pandit Nilakantha Das** : It is strange.

**Mr. Mukhtar Singh** : It is a well known principle of Hindu Shastras that only *Brahmacharins* and *Brahmacharinis* can enter into the second stage of *Grihastha*. May I inquire what will be the age for a *Brahmacharini* if it is not 16....

**Mr. M. S. Aney** : What is the age for a *Brahmacharin* ?

**Mr. Mukhtar Singh** : 25 years.

**Mr. M. S. Aney** : When does the *asram* of *Brahmacharin* begin ?

**Mr. Mukhtar Singh** : The *asram* of *Brahmacharin* begins from 6 to 11.

**Mr. M. S. Aney** : Is he a *Brahmacharin* then ?

**Mr. Mukhtar Singh** : At the time of marriage one should be a *Snatak* (one who has finished his educational career), and according to Manu himself he ought to have read at least one Veda. No Hindu has a right to marry unless he had read at least one Veda. May I inquire whether all these injunctions are meant only for the boy and not for the girl, and if so, may I inquire, are the girls not allowed to educate themselves to read the Vedas and to read the Smritis ? If they are, may I ask, if they are married at the age of 11, whether there is a chance for reading.....

**Mr. M. S. Aney** : Why not educate them after the marriage ?

**Mr. Mukhtar Singh** : I see. I consider that the southern part of India is the only place where we can say that the Hindu culture has remained up to date what it ought to have been. (An Honourable

*Member* : " Question ? ") Even among the southern country I do not find that there are schools where girls can, after their marriage, educate themselves.

**Mr. M. S. Aney** : There are.

**Mr. Mukhtar Singh** : May be, but at least, so far as I know, girls are never allowed to go to schools after they are married. If we consider that education is necessary for boys as well as for girls, I cannot understand how anybody can stand up and say that the girl should be married at the age of 11 or 12 or even at 14. I have tried to show that on account of these reasons the marriageable age of girls to be 16 and not 14 or 12. There are other reasons also which I consider to be very important. Suppose we decide today that the marriageable age ought to be 12 and that the age of consummation should be 15. May I inquire if the orthodox Hindus will not be much more injured if the husbands are punished on account of the rape with their wives ? To me it seems inconceivable that there can be a rape by the husband. According to my reading, according to my light, according to the very *Samskar*, the *Vivaha-Samskar*, marriage takes place only for this purpose and there are *mantras* which are recited at the time of the marriage showing that one of the ideals of marriage is procreation.....

**Pandit Nilakantha Das** : According to which commentary does it show that ?

**Mr. Mukhtar Singh** : It is not a question of commentary. If my Honourable friend knows Sanskrit, and I understand he does, he cannot translate the *mantras* in any other form. I read that *mantra* for him :

*Indra-agni Ghyava Prithivi Matarishtha,  
Menria-varuna Bhago Ashurnoma,  
Brahaspatis Maruto Brahma Soma,  
Imam Narim Pujaya vardhyantu.*

The words *Imam narim pujaya vardhyantu* cannot mean anything else. What is marriage for ? Marriage is known to be the repayment of a debt known as *Pitri rin*. That very clearly shows that marriage takes place for the sake of procreation.

**Pandit Nilakantha Das** : Immediately to repay it ?

**Mr. Mukhtar Singh** : I challenge my Honourable friend or any other Member to show me any Smrithi or any other Shastra which say that if consummation takes place after marriage but before the age of 15 or 16, it is penal. If it is not so in the Shastras, I believe that marriage is meant only for this purpose—at least that is one of the main ideals of marriage. You do not find in the Shastras that when a *Garbhadhan* takes place after marriage but before the age of 16 or 15 it is penal or that it is a sin. If it is not a sin, I cannot understand what is meant by saying that consummation must take place afterwards and that marriage should take place before.

Then, there is another point. It is impossible to conceive that the marriage of a girl should take place at the age of 11, while consummation should take place at the age of 16. Let us take it, for the sake of argument, that that is possible. What will be the difference at the time of consummation between the ages of the boy and the girl ? Hardly a difference of three or four years. (*An Honourable Member* : " Why ? ") It cannot be the difference of nine years at any rate.

[Mr. Mukhtar Singh.]

You cannot marry a girl of 11 to a boy of 20. (*An Honourable Member* : "Why not?") (*Another Honourable Member* : "It is done in Madras?") If it is done in Madras, I say it is impossible for the simple reason that a boy who marries a girl of 11 at the age of 20 will not wait to consummate the marriage for four or five years even if he be under the guardianship of an ideal person like Mr. Acharya. It is an impossibility unless there be exceptional causes which may force him to do so.

There is one other point which is an important one, and it is an economic one. In towns and villages the Hindu marriage costs very much. Speaking of my own province, Sir, I can say that many families have been ruined on account of the cost incurred at the time of marriage.

**Mr. M. K. Acharya** : How will this Bill remove it ?

**Mr. Mukhtar Singh** : I shall tell you how. If there are a girl of 16 and a boy of 25 and they are going to be married, then they will not allow their parents to contract debts and to ruin themselves, as they understand the value of money at that age. By the time the consummation takes place, the interest on the amount spent would be very very high. I may refer my friend to a book by Mr. Darling on the peasantry of the Punjab, and you will be convinced that what I have stated is absolutely correct. Now, Sir, I have tried to show that there are people who conscientiously believe that 16 is the proper age, and if conscience is to be taken into consideration, they have a right to be heard. When you bring a law on the Statute-book, that will be a clear indication to the people outside that this House considers that 14 is the marriageable age and this will prevent the reformer from achieving success in his efforts in raising the age of marriage to 16. My Honourable friend Kumar Ganganand Sinha quoted the late lamented Lala Lajpat Rai. For his edification I will quote what he said.

**Kumar Ganganand Sinha** : About Western society ?

**Mr. Mukhtar Singh** : I will quote him as an authority on Eastern society. He said : "If I have my way I would raise the marriageable age of girls to at least 16". That is the opinion of Lala Lajpat Rai. The greatest man in our country, Mahatma Gandhi, has wired that the minimum age should be 18. So, Sir, when I move my amendment, I have the greatest people on my side and I hope this House will pass my amendment.

**Pandit Thakur Das Bhargava** (Ambala Division : Non-Muhamadan) : Sir, I rise to support the age given in the Sarda Bill. We have just heard a speech from my friend Mr. Mukhtar Singh that 16 should be the marriageable age, and if a person marries his daughter below this age, then that man should be sent to jail. That is the amendment which my friend has moved. I will explain why the Age of Consent Committee fixed the age of 14 unanimously. The Preamble to the Sarda Bill reads thus :

"Whereas it is expedient to restrain the solemnisation of child marriages."

While agreeing in the main with the arguments advanced by my friend, I may submit that wisdom and caution both demand that such an age for a penal law should be fixed as would be acceptable to the majority, an age which would be regarded as workable by the majority

of the people. Personally I have no objection to fixing 16. As the Committee have pointed out in their Report, they have arrived at 14 as the compromise age. As has been pointed out by my friend Kumar Ganganand Sinha, if the age is fixed at 12, then one or two years will be spent in finding the bridegroom and arranging the marriage. Similarly, if the age is fixed at 14, as the Age of Consent Committee point out, then one or two years will be taken in solemnising the marriage. Thus, the age of the girl will be about 16 at the time when she goes to the home of her husband. It is true that the proper age for the marriage is not 14. I realise that, and from the evidence before the Age of Consent Committee, the Committee could not have come to the conclusion that 14 was the proper age. As remarked on page 178, 14 was regarded as a compromise age. My own objection to my friend's amendment is that his age would be too abrupt. We know that people are marrying their girls at the ages of from 1 to 10 and that more than 42 per cent. of the girls in this country are married when they are below 15. A perusal of the statistics given in the Age of Consent Committee's Report (page 96) would show that, under the age of five also, there were 2,18,463 girls married, and the number of girls married below the age of ten were 20,16,687, whereas the number of girls married between ten and fifteen was 63,30,207. If the number of widows is added, then, as Honourable Members will find from the Report, about 42.2 per cent. of the girls are married below the age of fifteen. For such people, Sir, as have been marrying their girls below the age of five and ten this change to fourteen will also be rather abrupt, whereas for those who have been concealing the puberty of their girls, for those who have passed Resolutions that the marriageable age should be increased, but who in practice do not observe those Resolutions, this age will be regarded as a sort of help, and it is in this hope that the Age of Consent Committee decided to stick to the age of fourteen instead of sixteen. As regards those who advocate the age of twelve, I have to submit this that I can understand the mentality of those who think that, in social matters, Government should not interfere—not that I am in sympathy with that, for I understand that in other matters Government have already interfered. Even now, the law of consummation at thirteen is an act of interference with the Hindu law and the Muhammadan law as propounded by orthodox people; but leaving that question aside, I want to know from those who advocate a marriage law at all whether they are not playing with the religious notions of those who believe religiously that they should marry their daughters below the age of ten. As a Member of the Age of Consent Committee, I had occasion to roam over the whole country and I came across a class of people numbering not thousands but lakhs who thought religiously that if they did not marry their daughters at the particular time when they got the opportunity they would be committing a sin. There are people in the Bombay Presidency who believe that their daughters should be married irrespective of their age. If the age of the daughter is even less than one year and no husband can be found for her, they think it is their duty to marry her to a garland of flowers. But let me be quite clear. They think that they are religiously bound to do so, otherwise they will be incurring sin. Exactly in the same way is the case with those orthodox people who believe that they would be committing a sin if they do not marry their daughters before puberty. As between the two, I do not see any difference, Sir. (*Mr. M. K. Acharya* :

[Pandit Thakur Das Bhargava.]

“Very sorry”.) I am sorry for those to whom it was pointed out when they appeared as witnesses before the Age of Consent Committee and they had to admit—I am referring specifically to Mr. Acharya, and he had to admit that if this proposition is pursued, logically, he will have to come to the conclusion that no one set of persons has a right to force that opinion upon another set of persons (*Mr. M. K. Acharya* : “Quite right”). Therefore, when Mr. Acharya supported this Bill at the time it went to the Select Committee, I think he was perfectly wrong. (*Lieut.-Colonel H. A. J. Gidney* : “Hear, hear”). Mr. Acharya said that he (*Mr. M. K. Acharya* was going to interrupt) represented the opinion of his wife. . . . . (*Mr. Deputy President* : “Do not listen to him ; go on”). He made a statement in this House when the Bill was referred to the Select Committee to the effect that he had consulted the ladies of his family and his wife particularly—whom even at this age he was pleased to call “the good, old lady” (*Mr. M. K. Acharya* : “I say that now also”). (Laughter.)—expressed to him that opinion and I beg to ask him, what has happened to that opinion ? Sir, the Leader of my Party made an impassioned speech in this very House and made out conclusively a case for marriage legislation for the whole of India, and it was at his instance that all other communities were included in this Bill. That aspect being settled the question now is this, below what age marriage should not be permitted ? As regards that, we have heard the speech of Mr. Mukhtar Singh, who belongs to one class of thought among the Hindus, and we have heard the speeches from Mr. Sesha Ayyangar and other gentlemen, who represent the other school of thought and support the age of eleven or twelve. I want to know how is this tangle to be solved ? (*Mr. M. S. Aney* : “In the way the Committee has found !”) It can only be solved in the way the Committee has solved it. (*Mr. M. S. Aney* : “I did not use those words”). I thank him for that. According to the Shruti, it is absolutely clear that youthful maidens were married in Vedic times and I challenge everybody in this House (though I am not a great Pandit) to quote anything from the Shrutis, from the Vedas, to show that child marriages were countenanced in the Vedic times. And the Vedas are regarded as the revealed books of the Hindus. I unhesitatingly declare that he will be a bold man who will accept this challenge of mine. As regards the Koran also, I make bold to say the same. As regards the Smritis and the other books, of my fellow-brethren, the Muhammadans, I would submit that they have got a family resemblance. At Lucknow a Muhammadan gentleman, who was a practising lawyer, quoted before us from one book saying that those parents are fortunate whose daughters menstruate at the house of their husbands. Similar quotations were placed before us when we went to Madras and other places, so that there is a family resemblance in the Smritis and some books of the Muhammadans. But I will just quote before this House the opinions of two very respectable and orthodox people to show how orthodox but not extremely orthodox gentlemen look at these Smritis and other books. I will quote the opinion of the Secretary of the All-India Sanatan Dharma Sabha, Mr. Ramakant Malaviya the son of our revered Leader, Pandit Madan Mohan Malaviya. He appeared before us and he said that in his opinion the age of fifteen was the proper age for marriage. It will be idle to say that he did not consider

the point of view of the orthodox people. He considered the question of consummation also, and in respect to both matters his clear opinion was that, whatever the Shastras said, fifteen should be regarded as the proper age. Now, he is not an impatient idealist, he is not a man who can be said to be irresponsible. Similarly I will quote the opinion of Mr. Tufail Ahmed, a pleader. He also said the same, that the Muhammadan law does not countenance the marriages of minors, and in his opinion, even if anything was to be found in Muhammadan books except the Koran which led to the belief that a parent was undoubtedly authorised to marry a minor girl, and the present law would curtail his liberty, in his opinion the marriage age should be fixed at not less than fifteen. Therefore, my submission is that, considered from the point of view of the Shastras alone, the revealed books of the Hindus and of the Mussalmans do not countenance early marriages at twelve.

Now, Sir, it really pains me to find that among my Honourable friends who are arrayed against this age of fourteen I find people whom I respect very much. Now, Sir, I do not suppose any body would think that it would delight anybody's heart that, on an occasion of festivities in a Hindu or Muhammadan house, the parents or the husband should be sent to jail. Nobody can take delight in a contingency like this and those of my friends who think that their religious susceptibilities are not being respected in this House will certainly give us the credit that we respect their sentiments very much.

**Mr. M. K. Acharya :** You will send them to jail.

**Pandit Thakur Das Bhargava :** My friend asks, why should there be a penal clause? I would respectfully submit to him to remember section 87 of the Indian Penal Code, whereby the principle of the law is laid down that no man shall be allowed to hurt another. And a boy and a girl, before the age of 18, cannot submit themselves to any sort of injury without their consent. I want to ask my friend if he wants to revert back to the *Patria potestas* of the Roman law. Does he want to revert back to those times, when the law declared that the woman shall always be under tutelage? While she is a young girl, she will be under the tutelage of her father, then under the tutelage of her husband, and then subsequently under the tutelage of her sons. I submit to him that the times have changed and he cannot stem the tide of time. Sir, I am rather amused that gentleman after gentleman has got up in this House and said that his personal opinion was that the age should not be less than 14 and that it should be 16, and yet as their constituents did not want it to be 16 they would subordinate their views to the views of their constituents. May I respectfully ask these gentlemen whether they took the opinion of their constituents in any constitutional manner.

Now, Sir, Mr. Belvi said that he would not be representing his constituency aright if he gave his vote in favour of 14. May I respectfully ask him if he took a referendum, if he went to all the voters and then came to the conclusion that more than half the voters wanted less than 14.

**Mr. D. V. Belvi :** No legislation on social matters is required.

**Pandit Thakur Das Bhargava :** I understand that he has given an amendment for 13, and I believe that he will vote for it at least. Did he take a referendum from all the electors to the effect that they do not

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want such social legislation? My friend is too optimistic. I will read from page 96 of the Report, where statistics are given. Hundreds of years of social reform have not been able to effect any appreciable change in the sentiments of the people. On page 96 you will find that, in spite of great activities on behalf of the social reformers, the custom of early marriage has not seen its last in this country. (Mr. M. K. Acharya made an interruption.) Now, Sir, I know that gentlemen can make interruptions in this way, but let them make intelligent interruptions. I know of certain gentlemen who are Members of this House, who said that they did not believe in social reform. They do not believe in legislation; they do not want any law from the foreign Government. That was the only stand taken by them. I have no quarrel with them, but I do not agree with them. As regards others, may I remind my friend Pandit Nilakantha Das that his opinion before us was that the least age for marriage should be 16.

**Pandit Nilakantha Das :** It is so still, so far as I am personally concerned.

**Pandit Thakur Das Bhargava :** Then he was asked, if the age was raised to 16, would there be any sort of agitation. His reply was that the reformers were too strong. Six or seven per cent. of the people might make an agitation, but he said "We can stand it because we are the leaders of the people". If it is true that six or seven per cent. of the members of the constituency of my friend are in favour of child marriage and 93 per cent. are not, may I ask him if he is justified in going towards the side of those who are voting for 12? Sir, I do not want to take much time of the House, although I can go on still further quoting examples of those gentlemen who appeared before us and were.....

**Pandit Nilakantha Das :** May I make a personal explanation, Sir? I have not opened my mouth on this Bill. My friend has perhaps referred to my evidence before the Age of Consent Committee which has not yet been published. But what he says has exactly happened. I cannot say I am personally against measures to stop child marriage. So far as my constituency is concerned, this measure practically does not affect it. It is a very small minority there which is affected by it. But as legislators in this House, and not as radical reformers, which is not our business here, in a penal measure like this we should see that if a majority or even a substantial minority in the country will have to be adversely affected by the measure, we cannot but be very careful. This is, however, what I gave out to my friend in private conversation.

**Pandit Thakur Das Bhargava :** I am glad of the explanation which is given by my friend because it supports my case all the more. My friend, according to himself, is a representative of a constituency in which this Bill will not penalise people. According to himself, a greater number of the residents in his constituency will not be affected by this Bill. Now, Sir, may I humbly ask him under what canon does he want to vote with those who advocate the age of 12 years. His constituency wants that he may vote for more than 12; for 16, with what face can he vote with those who advocate 12? I leave him there.

Then, another question was raised, and my friend Kumar Ganganand Sinha made a great point of it, that the people in general do not want



more than 12. May I remind him that the consensus of opinion of all the ladies that appeared before the Age of Consent Committee was that they wanted 16 to be the minimum age. (*An Honourable Member* : "What about orthodox ladies?") Then, as regards the fact whether the ladies who appeared before us were orthodox or not, I will only refer to the argument of my friend Mr. Sessa Ayyangar who was pleased to say in the opening part of his speech that the orthodox ladies live in *pardah* and therefore their opinion cannot be known. If their opinion cannot be known according to him, I want to know how Kumar Ganganand Sinha and Mr. Sessa Ayyangar came to know of their opinions. Then, Sir, it is also not true that the Age of Consent Committee did not make any effort to find the opinions of orthodox ladies. We went to villages to find out the opinion of the ladies there. We visited a certain village in Madras where we asked the ladies to sit on one side and the men to sit on the other side. We asked the opinions of the ladies and the men were also hearing the evidence. All these ladies said that they wanted a marriage law according to which the age should at least be fixed at 14. The men said, "The ladies know nothing; and we know better. If you penalise us, then we may be put to some trouble". We had Madrassi gentlemen with us as interpreters and there was no difficulty in finding out their view points. In every province we made it a point to visit the villages, and I can assure the House that the village people are in favour of a Bill like this. It is wrong to say that the majority of the orthodox opinion does not want this Bill. (*Voices* : "Question?") It is very easy to say "Question", but the Report of the Age of Consent Committee is before you. You got four Members of this Assembly on to this Committee and they have submitted a unanimous Report. You abused the Government the other day and said that the Skeen Committee's Report had been shelved. But this is a Report which has been submitted to you by four men who belong to this House and six others, and all of them have submitted a unanimous Report. I cannot understand why this Report should be given a go-bye and thrown into the waste paper basket, only for the reason that it does not, according to some, represent extreme orthodox opinion.

**Mr. Deputy President** : Have the Government taken any notice of this Report?

**Pandit Thakur Das Bhargava** : I know what the Government are doing. On this occasion, I am forced to congratulate the Government on their attitude towards this Bill. But I must say that it is due to force of circumstances that the Government have been compelled to accept this Report and this Bill. This Government was alive to the evil effects of child marriage all these years. When they stopped *Suttee*, why did they not stop child marriage? My charge against the Government is that it moves when it is too late in the day. When the Government was forced by public opinion in India and abroad, they have taken up this attitude. All the same, I congratulate the Government on the attitude they have taken up on this Bill. Even if the Government have not sent in any amendments to this Bill which the Committee recommended, I submit that I have sent in amendments, and I hope the House will accept them and pass them. At this stage, I may join hands with my Honourable friend Kumar Ganganand Sinha in asking the Government to see that this Bill is worked properly. If we pass this Bill, then it would be a pious wish of this House that child

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marriage should go away. If we are serious about this Bill, the Government should consider the recommendations that have been made by the Committee to give effect to the provisions of this Bill. The Government should remember that they are penalising the marriages of people who are illiterate and who belong to the depressed classes and who are in all stages of development. It is the clear duty of the Government to first see that the provisions of the Bill are known to each and every person in the country. It is the duty of Government to make propoganda about the evil effects of child marriage. The Government have so far not done this and the Government have been guilty of a great wrong to this country by their supineness and indifference towards the evils which they could always see all round unless they waywardly shut their eyes all along.

Now, Sir, in this connection may I submit one word ? When I am asking this Government to do its duty, it behoves me and all those who belong to my school of thought to do our little bit in spreading the knowledge about the evil effects of child marriage and in co-operating with the Government in this matter. There are certain sections of the people who think that, though the Government are doing the right thing, yet they do not want to support the Government in this matter. May I humbly lay at the feet of my Honourable friend Mr. Amar Nath Dutt the evidence which he gave before the Age of Consent Committee in this connection ?

**Several Honourable Members :** Read it.

**Pandit Thakur Das Bhargava :** He said as regards age that it must be 16 for girls and 24 for boys.

**Mr. Amar Nath Dutt :** But not by legislation of this Government.

**Pandit Thakur Das Bhargava :** Let us consider this dispassionately. Well, my Honourable friend will excuse me if I do not give any weight to his words, because he does not stick in public to what he says in the evidence before the Committee. Did he not say that every Bengali home is suffering from the evil effects of early consummation ?

**Mr. B. Das :** The evidence has not been published.

**Pandit Thakur Das Bhargava :** Am I to understand it is confidential, because it has not been published ?

**Mr. Amar Nath Dutt :** You should not misquote me.

**Pandit Thakur Das Bhargava :** Before I decided to refer to the evidence of Mr. Amar Nath Dutt, I had asked some Members who had previously served on other Committees as to whether I was entitled to state before the House the opinions of witnesses who appeared before the Committee, and they assured me that I could refer to the evidence. It is only then that I made bold to express the views given by Mr. Amar Nath Dutt. It is unfortunate that people do not stick to their opinions once given. (Hear, hear.) One of us asked my Honourable friend, Mr. Dutt, as to what he had done in the matter of social reform all these years because he was against legislation by a foreign Government. And the reply which he gave us was that he had done precious nothing.

**Mr. Amar Nath Dutt :** I am not a professional social reformer.

**Pandit Thakur Das Bhargava :** Then again one of us asked him while he was in the witness-box if he hoped that he could attain Swaraj when a large number of girls died at an early age. When this question was put he said that it was not the duty of those who claimed Swaraj to be a party to the social swaraj of giving the daughters of India their rights at least in the matter of marriage and that it was not on physical progress that he relied but political battles have to be fought by words and arguments and not by strength of arm and that he did not believe in the proverb "A healthy mind in a healthy body". (Laughter and applause.)

**Mr. Amar Nath Dutt :** It is a deliberate falsehood.

**Pandit Thakur Das Bhargava :** I am extremely sorry that my Honourable friend is rather nervous today.

**Mr. Amar Nath Dutt :** No, Sir, I am bold enough to stand up and meet my Honourable friend and point out where he is making false statements.

**Pandit Thakur Das Bhargava :** I am responsible for each and every word of what I say.

**Mr. Amar Nath Dutt :** As it is no offence to tell lies here, it is very easy to speak like that, which is nothing but the responsibility of an irresponsible youth.

**Pandit Thakur Das Bhargava :** This is the state of things which I deprecate most strongly, that is that gentlemen who are convinced in one way about the marriageable age of girls should vote in another way when it comes to a question of voting in the House. May I also remind the House that, when the Bill came before the House in 1925, the attitude which Mr. Amar Nath Dutt then took up was quite different and his present attitude is not in consonance with his past. If you just study the proceedings of the House in 1925, it would appear that he was in favour of the age of 14 or perhaps even 16 in the matter of consummation of girls. (*Mr. D. K. Lahiri Chaudhury :* "What has consummation to do with this Bill?") Now my Honourable friend Mr. Lahiri is entirely mistaken if he thinks that this marriage law has nothing to do with consummation. This is the main ground upon which we built our case. I submit, Sir, that if you want to stop early consummation, if you want to stop the evils of pre-puberty consummation and consummation soon after puberty, you must soon pass this law. No law of the age of consent could be successfully worked unless it has got this backing of marriage law. If the law of age of consent at 13 was worked successfully in all its rigour, I think not one deputation, but hundreds of thousands of deputations will have to come not only from Madras but from all parts of the country and they will display a state of things which will be most disgusting.

I will respectfully submit to the House to visualise the position of every husband who had a wife below 13. As soon as she goes to her husband's place and meets her husband, in every case the husband would be prosecuted. I cannot consider this contingency with equanimity or the present state of things as satisfactory. This law fixing the minimum age of marriage is a sort of restriction upon human liberty but to a much smaller degree than the law of the age of consent. I submitted a note to the Age of Consent Committee's Report to the effect that I think every person should look forward to the day when the

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law of marriage would be rigorously enforced and the law of the age of consent will not be rigorously enforced. I wish we had no occasion to have recourse to that. And I think every Honourable Member of this House will agree with me when I say that you may not have a law of consent but you must have a law of marriage.

Sir, I have submitted in brief the reasons which led us to come to the conclusion that 14 was the least age of marriage to which we could agree. I will therefore submit that the age of 14 should be accepted.

**Sardar Bahadur, Honorary Captain Hira Singh, Brar** (Punjab Nominated Non-Official) : Sir, much has been said about child marriage on the floor of this House, and there is very little left which may now be urged. I get up to support the amendment moved by my Honourable friend Mr. Mukhtar Singh. Sir, I will ask this House, does it think that at 14 years of age these little girls are fully developed and will produce a strong and healthy nation ? On the one hand we want to produce a healthy, strong and well-built nation, and on the other hand we do not want to drop our ancient customs. Dr. Moonje and other friends like to give military training to the future generation. I wonder what will be the good of that military training for children of 12-year-old mothers. We want children who will carry 60 pounds on their shoulders, and walk 30 miles a day. Will the girls who are married at 12 or 14 years of age produce such children ? The question of selecting cadets for Sandhurst comes up every day, and these cadets are to be bachelors before they are selected for Sandhurst. Their age for selection is fixed at 18 years. I think a high percentage of 18-year-old children in certain parts of India are fathers of half a dozen children. Now, Sir, if we want to build a good nation and want the boys to undergo military training and want to see them take their place in the same ranks with the other nations, I am sure the Members of this House would like to raise the age to a little more than 14. Of course 14 years is a little better than 12 or 13 ; but why not increase the age to the limit of 16 ? This age we ought to have raised a generation ago. It has been already too late because we cannot get the proper material to take the place of the officers, particularly the commissioned ranks of the Army. I am sure Dr. Moonje and other admirers of the boys who should take the place of the officers in the various services in the Army will go forward and raise the age still higher than 14.

Then there is the saying that, " When a child has fallen you should make a hole in her ears while she is crying." As we are going through this Bill, why not raise the age now ? We require of our boys a good body and a good build. If we look round this House we find that several races who marry at a mature age are better built than those whose children are married at an early age. A strong built boy is not only a pride to his parents, but a pride to his family and to his nation. If we leave the age only at 14, I am sure that after 10 or 20 years we will repent that we did not fix it higher than 14, because there will not be very much improvement among the children.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : Why not make it 18 ?

**Sardar Bahadur, Honorary Captain Hira Singh, Brar :** Those who would like to have still better children will marry at 18. At any rate if the age is fixed at 16 there will be better children.

**Mr. Muhammad Rafique** (Calcutta and Suburbs : Muhammadan Urban) : Do you get better children at a higher age ?

**Sardar Bahadur, Honorary Captain Hira Singh, Brar :** Undoubtedly. Look at the other nations. It is just like a photograph. When you have got a well-developed person, you get a good photograph. But if you take a child's photograph, you produce another child ; you cannot produce a well-grown up and fully developed man out of that young photo. If we look at the figures here we find men of 55 with broad chests and good physique, whereas if you look at the other end you find very weak and narrow-chested persons.

**Mr. Muhammad Yamin Khan :** Why not suggest eighteen now ?

**Sardar Bahadur, Honorary Captain Hira Singh, Brar :** I shall leave 18, 19 and 20 alone for the present. I think there are many Members here who will marry their daughter at 18 or 20, or even more than that. The higher the age you fix, the better the children you produce. The lower the age you fix the more puny the children you get. If you cannot get rid of this uxorious custom it is nobody's fault.

Then comes the question of attack and defence. You cannot expect defence from a little child, who is afraid of a little rocket bursting miles away ; what you should do is to produce men who will stand rockets and shells bursting on their heads and yet have strength and nerve and a strong moral. You cannot produce good nerve and a good body from a child girl of fourteen years. I admire the brains of my friends from the South and East no doubt, but it would make me doubly proud if I saw those heads on well-built bodies. It would then be a great improvement. Now, the heads are too big and the bodies too small. It is all right for office work and for literary work, but no good for out-door work and for fighting other nations and defending our own country in the field.

**Diwan Chaman Lall :** Good for the civil service.

**Sardar Bahadur, Honorary Captain Hira Singh, Brar :** In my country I can tell you that we have to deal with Pathans. My Muhammadan friends like Mr. Yamin Khan may quote passages from the Koran and other books—I do not know anything about that ; but I think the Kabuli Mussalmans are more orthodox than Hindustani Mussalmans and they do not marry their daughters until they are 20. I have personally seen it myself that their girls are not married till they are 20 ; and if my friends, Mr. Rafique and Mr. Yamin Khan will come to the North West Frontier, they will see the body and physique the Pathans possess, with whom their Punjabi friends have to fight. You will then see the difference and you will then judge the value of a goody body. You cannot value it unless you go to those places.

I do not know and I cannot quote anything from the Shastras, but this much I can say, that we are very late already in raising this age limit ; and we will still be very late if we do not raise the age now to 16 or 17. It does not matter to many of us here, but it does matter to those who always come forward and ask " Why cannot we get this and that ? ", where it is a question of good physique and a well-built body. When other nations

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are breeding their animals and cattle and their transport animals, we must at least pay our full attention in this matter and we must produce at least as good boys, if not better, as those produced by other races. I think that, for the honour and pride of our future generations, we should support this motion and raise the age from 14 to 16.

**The Revd. J. C. Chatterjee** (Nominated : Indian Christians) : Sir, I rise to oppose all the amendments for the lowering of the marriage age and to support the age as given in the original Bill of my Honourable friend, Rai Sahib Harbilas Sarda. Sir, it seems to me, after listening to the long debates on the subject, that there are two main reasons urged by the opposition against fixing the age at 14, and in support of lowering it to 11 or 12. The first argument that has been brought forward by Member after Member is that the lower age is more in accordance with the injunctions of holy books. So far as I can understand Mr. Sesha Ayyangar, he has laid great stress on the score that it will be more acceptable to religious-minded and orthodox people that the age should be lowered to 11. I am in a great dilemma over this subject. In the first place it has been maintained again and again that the mere fact of this House taking up legislation on this subject was against the religious views of orthodox people. Some people would exempt communities from the operation of this law, because they think that it is interference with their religion. Other people want the marriage age to be brought down to 11, because they say any age higher than that would be against the tenets of their religion. There is another gentleman who wants to lower the age for the sacrament of marriage to as low as 10, because he says any attempt to raise the age above 10 goes against his religion. The very fact, Sir, that this House has accepted the principle of the Bill and sent it to Select Committee is to my mind proof, that the House was prepared to say : " We paid great attention to the views of people who think that it is against their religion that such and such age should be fixed, but the fact that we sent it up to Select Committee shows that we accept the principle that this House has the right to legislate on the question of marriage in a practical, common-sense and above all in a humanitarian way, and that whereas we must go slow and pay due attention to the views of people who have got religious objections (which I rather think are prejudices due to custom and sometimes to superstition) that we should respect them as far as we can go. We must therefore accept the position that this House has the right to legislate on marriage which is not only a religious sacrament but also a social institution and contract, in as humanitarian, practical and sensible a way as befitting the customs and requirements of the modern age." Having said that, Sir, I think it is now too late in the day to try and plead that the dictates of religion prevent us from going forward, and because some people think religion demands it. As a matter of fact there is great divergence of opinion on the subject—some people think that religion lays down the marriage age and other people say it does not—I cannot go into the religious controversy—because I am not competent to do so. But I do say that there is great divergence of opinion among theologians. Anyway this House has, by its action in sending the Bill to Select Committee, and by the subsequent debate, shown that we cannot agree to drop this Bill or alter its provisions merely because certain people think that their religion requires it. I say that it is too late for such a course and

we must proceed with this Bill in a practical common-sense way, paying such attention as we reasonably can to the views of the other side. I submit that the fact that we are putting the age at 14 and not 16 is a great concession to those who hold the orthodox point of view, and I believe that if we go any lower than that, we are ruining the Bill.

Then the second main reason in support of a lower age urged in the course of the debate is, from my point of view, an unfortunate one. It has been said that, in order to preserve society and to preserve the purity of our girlhood and womanhood, girls should be married before puberty. In support of that view, we had quotations from certain writers from the west, books, which I consider unfortunate, to prove that in countries where the marriageable age is high there is great lack of chastity and so forth. Sir, I do not claim to speak on the subject of the morals of other countries. But I would only say that I have had my share of travel. I have travelled throughout the length and breadth of the United States of America, and a great deal about the state of society in this country has been said in the House. I have visited a good many places on the Continent of Europe. While I cannot deny that there are lapses from the moral code in those countries, I must also say that there is much virtue and a high moral standard exists. The standards of purity in England and America are as high as those in any other country. If we look for evil, we can find it anywhere. Have we got no evil behind the purdah in this country? When we marry our little children who cannot understand what marriage is, is it not in itself a lowering of moral standards? After all, if we are going to buy morality and purity at the cost of imprisoning little children, just as we put birds into a cage and keep them secure, then what choice or liberty of action is left to them? What is the use of purchasing purity at that price? I therefore submit, that at least on these two grounds we cannot agree to the lowering of the marriage age.

Then, again, Sir, if you put down the age at 11 or even at 12, I should be forced to vote against the Bill entirely, and that for this reason. 14 is the age which is considered in the majority of cases in this country to be definitely a post-puberty age. But 11, 12 and even 13 are doubtful ages. It is most difficult to tell the difference between the ages of 11, 12 or 13. It will be quite easy for a man to marry his girl at 11 and say that she was 12 or 13. But 14 is a stage which you can distinguish more easily. It is quite possible to determine if a girl is 14 but if the marriage age is fixed below 14, it will be somewhat difficult to find out if she is 11, 12 or 13.

Another reason why I want this Bill to stand as it is, is that the girls of our country may become educated and fit wives.....

**Mr. M. K. Acharya :** Is that higher age prevalent anywhere?

**The Revd. J. C. Chatterjee :** I do not know anything about Madras.

**Mr. M. K. Acharya :** Anywhere in India?

**The Revd. J. C. Chatterjee :** I shall leave Mr. Acharya alone for the present. One of the reasons why I feel that 14 should be fixed as the minimum is to enable our girls to proceed with their education. I have been recently travelling on a certain Committee which has been gathering evidence on the question of education of girls, and I find that, even in

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advanced provinces like Ajmer-Merwara or Delhi, where the marriageable age is not so low as in Madras, witnesses after witnesses have urged that it is impossible to bring compulsory education into force if the marriageable age of girls is to remain at 10 or 11, as it will be a great handicap in the way of the education of these girls. Even in these parts, it is unfortunately true that the system of early marriage is one of the greatest obstacles to the education of girls. This therefore is a very strong reason why the minimum marriageable age should be fixed at 14.

Then again, Sir, I believe that, if the House were to pass this Bill as it stands and not tinker with it, we should be killing two birds with one stone. Before long, we shall probably have an Age of Consent Bill brought up in this House. We have had a Committee sitting on this measure, and it seems to me, Sir, that there is going to be another great controversy on that Bill. I think we can save the controversy if we now fix the marriage age at 14. So far as the law regarding the age of consent goes at any rate, so far as the cases occurring within the relationship of marriages are concerned, the law must remain a dead-letter, and if it is not a dead-letter, it is bound to be a very unpleasant and disagreeable measure. I said so, in my evidence before the Age of Consent Committee, and I believe that the solution of the problems was not to be found in a law for the age of consent but for the raising of the minimum age of marriage. If we agree to the age of 14 as the minimum marriage age for girls we shall then have solved to a great extent this very difficult problem of early marriages. This is another reason why I think that we should not tinker with the present measure, because we shall again arouse the same controversies, we shall have a deputation from the South and deputations from many other places. Therefore if we fix the age at 14, we shall be solving, to some extent, two great difficulties at the same time.

Finally, Sir, I sincerely wish I could support the amendment of my friend, Mr. Mukhtar Singh. I wish, Sir, I could say that the minimum marriage age should be 16. So far as my constituency is concerned, they would welcome 16. In fact 16 is the minimum age at which marriages are contracted for girls in my community. But I do believe that it will not be politic at this time to press the higher age, for the very simple reason that we do not want to stiffen opposition to the other provisions of the Bill. I feel we should proceed slowly.....

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province : Nominated Non-Official) : Then why not leave the fixing of the exact age of marriage to the vote of the elected Members ?

**The Revd. J. C. Chatterjee** : My reason for that is that the Government Members have also great responsibility, and so far as I am concerned I represent a community.....

**Nawab Sir Sahibzada Abdul Qaiyum** : That is about the principle which is accepted by the Government and may be carried out by them, but the fixing of the exact age may be left to the vote of the elected Members.

**The Revd. J. C. Chatterjee** : I am sorry I cannot agree with my friend. I do not see that the elected Members alone have any special



knowledge of this subject. I believe every Member of this House has got an equal responsibility over a social question which vitally affects the welfare of the country which he either administers or lives in. Therefore, for these reasons, I support the age which has been put down in the Bill.

**Dr. B. S. Moonje** (Nagpur Division : Non-Muhammadian) : Sir, it is not very pleasant to have to speak on a subject on which friends differ so much as to appear to run at each others throats, a subject on which Leaders whom we respect have ranged against each other. At the same time, I feel that one has to do his duty, and I, as President of the Hindu Mahasabha, have got to do my duty in this matter. The Hindu Mahasabha finds India clearly divided into two parts—the Northern India above the river Narbada and Southern India, south of the river Narbada. Broadly speaking, Northern India above the river Narbada is in favour of raising the minimum age even to 20, though in some cases they want 18 and 16. (*An Honourable Member* : “What about Bengal?”) The Southern India, in which I include also Bengal, is in favour of not raising the minimum age of marriage above 12 years of age. (*An Honourable Member* : “Do you include Bombay?”) Under the circumstances, I, as President, am not bound by the opinions on either side. Under the circumstances I should trust to my own conscience and I shall vote according to it. My conscience is also of two kinds. (Laughter.) One conscience is the medical conscience, as developed by my study of the allopathic and ayurvedic systems of medicine, and it says that no girl ought to be a mother of a child until she is 18, and that no man ought to aspire to be a father until he has attained the age of 25. But there is also some such law as idealism to be tempered with practicalism. *Vyavahar-anulomo Dharma*. That is what Chanakya has said, that is the dharma,—that is, that idealism is to be tempered with practicalism. And what is practicalism in respect of the idealism of this Bill, looking at it purely from the Hindu point of view? One has to admit it in shame, but the fact is there that the Hindu of today is weak, docile, meek and submissive to aggression and force. (*An Honourable Member* : “Question?”) (*Another Honourable Member* : “Servile.”) My Honourable friend says servile, but fortunately the agitation of the last forty years of the Congress has removed that trait of servileness. That is the practical fact before the 22 crores of Hindus today. We have seen the fact, the most humiliating fact two months ago in Bombay, of 12 lakhs of Hindus being cowed down by 4,000 Pathans. We are seeing the actual abduction of girls taking place daily in East Bengal. That is the fact that stares one in the face and we have to take notice of that. Therefore, I feel that I should not allow my medical conscience to prevail, weighing profits and losses in the balance and taking all facts into consideration. Fortunately or unfortunately, we have to live as neighbours with peoples of another community whose standards of sexual morality and manner of observing them particularly in respect of the womenfolk of the Hindu community are different from ours. That fact has to be taken into account and that is one of the facts which has made me temper my idealism with practicalism.

As regards the Dharma Shastras I am not a Pandit, but I have carefully studied the Dharma Shastras. I am not proficient in Sanskrit literature, but I know Sanskrit and can write and read it and I may assure my Honourable friends, whether they belong to the orthodox class or whether they belong to the reformed class,—I assure by Honourable friends

[Dr. B. S. Moonje.]

that, throughout the history of the ten thousand years or more of Hindu culture in India, every sort of experiment in sociology and systems of marriage has been tried. No orthodox man who has studied his Dharma Shastra and the Dharamshastric History of the Hindu culture as seen in the Puranas can come and say that there was no time in India when there was not even the system of marriage based on civil contract, and that there was no time in India when marriages used to take place above 16. In those days these kinds of marriages were regarded as absolutely according to the Dharma Shastras. Those who have studied the Puranas, those who have studied particularly the Mahabharata will see the reason why eventually opinion has veered round to the fact that marriages, if we stick to our conceptions of sexual morality, and our conceptions of the sexual circumstances under which marriages ought to take place, should be performed about the time of puberty. Well, the best thing that our Dharma Shastras have said is that the marriage of a girl should take place about the time of puberty, and if the father and the mother do not perform the marriage of the girl at the time she should wait for three years after she has attained puberty and then the girl is free to find a husband for herself without caring for the parents. That is the general position of the Dharma Shastras at the present moment, and no orthodox man can say, that if we pass this Bill here even as it is, it is going to offend the Shastras. But the custom is there and to those who are born and bred up in that custom as I am, the pang of the wrench is naturally excruciating....

**Pandit Thakur Das Bhargava :** Is it going to offend the Srutis ?

**Dr. B. S. Moonje :** This is not the time nor the place where Dharma Shastras ought to be debated upon. I know of circumstances, and my Honourable friend knows of them too well, when we, modern people, drafting the sections of the Indian Penal Code in modern language, find, that when a section is taken before the Judge, two lawyers of equal eminence stand against each other giving their own interpretations of the section, as we have seen friends here fighting and running at each other's throats. So, the question here is not one of the interpretation of the Dharma Shastra or the Smrithi or the Veda. The question is entirely and purely one of what is practical and what will be to the practical good of the society as it is today. At least that is the point of view from which I look at it.

My Honourable friends are enthusiastic over this Bill, and want to have the Bill passed as it is—I would not be very sorry if the Bill is passed, provided they understand their responsibility. Their responsibility is, as I say, this. After this Bill is passed, if the number of abductions of Hindu girls increases, they ought to be the first to go and give adequate protection to them where they take place. It won't do to approach the Government praying for protection, and particularly, for the Hindu, it won't do praying for protection at the hands of the Government. We, mostly Hindus, have been agitating for Swaraj and Independence. What right have you then to go to the Government and approach them praying for protection where you cannot protect your own girls ? What right have you to say that the Government ought to do its duty if it is not bent on doing its duty ? As our duty is to agitate for Swaraj and Independence, so the Government's duty is, so long as it is the Government of

the land, to give adequate protection even to the man who works for Independence and to the man who works for Swaraj—to both of them equally. But what right have you to ask the Government to do its duty ; what right have you to claim protection from the Government, when you do not do your duty ? Therefore, I am laying this responsibility upon the shoulders of those who are so enthusiastic—I tell them, “ Look here, if by passing this Bill by your enthusiasm, abductions increase, yours ought to be the first responsibility of giving adequate protection to those poor helpless girls.”

Some persons with quite good intentions have taken me to task and feel rather surprised that I should have risen to support the amendment of my friend, Kumar Ganganand Sinha for fixing the minimum age of marriage of girls at 12. They have been finding me rather inconveniently enthusiastic over army matters and yet they find that these two things cannot be reconciled....

**Lieutenant-Colonel H. A. J. Gidney** : Impossible.

**Dr. B. S. Moonje** : My Honourable friend Colonel Gidney says that it is impossible to reconcile them. The pity of it is that the more elderly he grows the more his enthusiasm gets the better of his reason, for my friend ought to know that the class of men who are known as Europeans and Englishmen in whom he aspires to be immersed so that he may lose his worthy identity but who still spurn him aside, have the minimum age of marriage of their girls according to their law, fixed at 12.

**Lieutenant-Colonel H. A. J. Gidney** : I do not aspire to that class at all. The speaker evidently envies the European his lot. You had better make sure of your law.

**Dr. B. S. Moonje** : So far as I know, that was the law of Englishmen hardly six months ago—I doubt if it is not the law even now. Up to six months ago, the minimum age of marriage of English girls was 12.

**Pandit Thakur Das Bhargava** : Now, it is 16.

**Dr. B. S. Moonje** : My lawyer friend assures me that it is now 16. Now, up to a short time ago the minimum age of marriage was 12 for the great English race which has acquired an Empire over which the sun never sets. (*An Honourable Member* : “ There are no marriages at that age ”.) If with the minimum age of marriage at 12 they were able to defeat the great German race, why can't you do the same ?

**Pandit Thakur Das Bhargava** : What is the percentage of marriage at that age ?

**Dr. B. S. Moonje** : Does my friend Pandit Bhargava mean to say that, if an Englishman could attain that stage of development under the law of the minimum age of 12, he is incapable of that ? He is not confident of his own self. The Hindu Mahasabha is confident and will carry on an agitation. Do not lose your confidence. The Hindu Mahasabha will enable you to attain that development. From the point of view of pure merit, I do not say that the Bill should not be passed, but take care that your enthusiasm does not get the better of your reason and practicality. Now, my appeal both to my Hindu friends and my Muhammadan friends is this—are you going to give up your own civilization and take to the standards of marriage as they exist in Europe, or are you prepared to stick to your own standards of morality applauded on all hands and sanctified by the heavy traditions of valour and gentleness of ages past.

**Diwan Chaman Lall** : May I ask the Honourable Member, if he will permit me, whether there is any town in Great Britain; as there is a town in India, Dharbhanga, where, out of 1,000 girls of between 5 and 10, 565 are married ?

**Dr. B. S. Moonje** : I appeal to calm reason. You have to make up your mind one way or the other, whether you will stick to your own morality, or adopt the standards of morality as they exist in European countries. I am not going to deal with it in detail as everybody is aware of it—and my Honourable friend Diwan Chaman Lall very much more than all of us combined. The ideal of our Dharma Shastras would have been the ideal of the whole world if we had been self-reliant and independent. Our philosophy of the Vedas and the Upanishads has appealed to the best brains of Europe, and I am sure that our sociology also will appeal to the best brains of Europe.

I have an appeal to make to the Government and the Honourable the Home Member. I quite understand Government not being prepared to lay themselves open to the charge of being called reactionary by their opposition in the case of a law which makes for social progress. I am obliged to the Home Member for the support he has given to the Bill. Once in a life-time Government have come to the support of a non-official Bill which makes for the real progress of the nation. Having thus vindicated their position before the bar of public opinion of the world, would it be too much to ask them to remain neutral as to the question whether 18 or 16 or 14 or 12 or 10 should be the minimum age, and to leave the subject to the common sense and patriotism of the people who are sitting here and whom it concerns most vitally ? There will be occasions when the *bona fides* of the Government will be tested. I am glad that this time they stand vindicated before the public opinion of the world. It is time for them now to say, " Now, Gentlemen, this is your domestic question ; we are not going to impose upon you our standards of morality and culture that prevail in Europe. It is for you, Hindus and Mussalmans to think it out patriotically, from the point of view of idealism versus practicalism and the greatest good of your future generations and vote as you deem best ". I trust my appeal will not go in vain. I support the amendment of my friend Kumar Ganganand Sinha.

**Several Honourable Members** : Let the question be now put.

**Mr. Deputy President** : I think there are still several Honourable Members to speak. The House will now adjourn till 11 o'clock, tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th September, 1929.