

Tuesday, 13th September, 1932

THE  
*As*  
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV, 1932

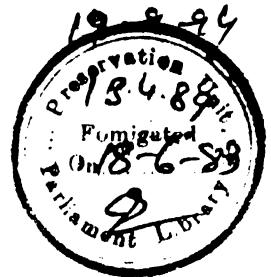
*(5th September to 19th September, 1932)*

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FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY, 1932



NEW DELHI  
GOVERNMENT OF INDIA PRESS  
1932

# Legislative Assembly.

## *President :*

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E.

## *Deputy President :*

MR. R. K. SHANMUKHAM CHETTY, M.L.A.

## *Panel of Chairmen :*

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SIR ABDUR RAHIM, K.C.S.I., Kt., M.L.A.

MR. G. MORGAN, C.I.E., M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

## *Secretary :*

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

## *Assistants of the Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

## *Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

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# LEGISLATIVE ASSEMBLY.

Tuesday, 13th September, 1932.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

## QUESTIONS AND ANSWERS.

### SHADOWING BY POLICE OF MR. C. F. ANDREWS DURING HIS VISIT TO DELHI.

186. \***Mr. Muhammad Azhar Ali** : Is it a fact that Mr. C. F. Andrews on his visit to Delhi in June, 1932, or thereabouts, was shadowed by the Police, and was ordered to be arrested at the Delhi Railway Station under a warrant of arrest ? If so, will Government state the reasons ?

**The Honourable Mr. H. G. Haig** : Mr. Andrews was not in India at the time mentioned.

### NUMBER OF BENGALIS UNDER DETENTION AS STATE PRISONERS.

187. \***Mr. S. C. Mitra** : What is the total number of Bengali ladies and gentlemen who are in detention as State prisoners and detenus without trial under Regulation III of 1818 ?

**The Honourable Mr. H. G. Haig** : The figure is 21. None of these prisoners are women.

**Mr. Gaya Prasad Singh** : that under Regulation III of 1818, not a single woman prisoner is detained ?

**The Honourable Mr. H. G. Haig** : That is so under Regulation III.

### NUMBER OF STATE PRISONERS AND DETENUS.

188. \***Mr. S. C. Mitra** : What is the total number of State prisoners and detenus confined for :

- (a) less than one year ;
- (b) for one year or more but less than two years ; and
- (c) for two years or more ;

and how many of them are :

- (i) imprisoned in Bengal jails,
- (ii) imprisoned in jails outside Bengal, and
- (iii) confined in detention camps outside Bengal.

**The Honourable Mr. H. G. Haig** : I would refer the Honourable Member to the statement I laid on the table in connection with Mr. A. Das' question No. 41 and Sardar Sant Singh's question No. 165.

### SOCIAL STATUS AND ACADEMIC QUALIFICATIONS OF STATE PRISONERS AND DETENUS.

189. \***Mr. S. C. Mitra** : (a) Is it a fact that all the State prisoners and detenues are of good social status belonging to the educated middle or *Bhadralog* classes ? If not, how many of them belong to other classes ?

(b) How many of them have university degrees ?

(c) How many of them are students who were actually studying or had just passed out of their colleges at the time of their arrest ?

**The Honourable Mr. H. G. Haig** : (a) I presume the Honourable Member refers to the Bengali State Prisoners. The majority are, I regret to say, of the *Bhadralog* class, and the same is probably true of the detenues who are dealt with by the Bengal Government under the Bengal Criminal Law Amendment Act.

(b) and (c). I am not in possession of this information.

**Mr. S. C. Mitra** : Am I to take it that the Government have not that information or are unwilling to give it ?

**The Honourable Mr. H. G. Haig** : The Government certainly have not that information.

**Mr. S. C. Mitra** : Do I take it that the Honourable Member does not know or the Government of India have not that information about these State prisoners ?

**The Honourable Mr. H. G. Haig** : We have no record about the academic qualifications of the detenues.

**Mr. K. C. Neogy** : Do I take it that the Government are in possession of facts regarding the social status of these prisoners ?

**The Honourable Mr. H. G. Haig** : There is nothing on record about their social status.

**Mr. K. C. Neogy** : Is it not a fact that Regulation III itself requires that in determining the allowance to be made to these detenues and their families, regard should be had to their social status ?

**The Honourable Mr. H. G. Haig** : In determining their allowances, full inquiries are undoubtedly made about their status.

**Mr. K. C. Neogy** : Do I take it that so far as Regulation III prisoners are concerned, Government are in full possession of facts regarding the social status of these people ?

**The Honourable Mr. H. G. Haig** : Yes, Sir. I think that is probably so and I said in my reply that the majority are, I regret to say, of the *Bhadralog* class.

### FAMILY ALLOWANCES GIVEN TO STATE PRISONERS AND DETENUS.

190. \***Mr. S. C. Mitra** : (a) Is it a fact that a large number of State Prisoners and detenues were earning members of their families before their arrest ?

(b) How many of the State Prisoners and detenues are given "family allowance" for the maintenance of their family either by the Government of India or by the Government of Bengal ?

(c) How many of the State Prisoners and detenues get an allowance (family) :

- (i) of Rs. 1,000 per month or over,
- (ii) of Rs. 500 per month or over but less than Rs. 1,000,
- (iii) of Rs. 250 per month or over but less than Rs. 500,
- (iv) of Rs. 150 per month or over but less than Rs. 250,
- (v) of Rs. 50 and over but less than Rs. 150 per month,
- (vi) of Rs. 25 and over but less than Rs. 50 per month,
- (vii) of less than Rs. 25 per month ?

**The Honourable Mr. H. G. Haig :** (a) and (b). As regards persons from Bengal who have been dealt with under Regulation III of 1818, family allowances have been sanctioned in 14 cases. The fact that a State Prisoner was an earning member of his family is always considered.

(c) The answers, so far as State Prisoners are concerned, are :

- (i) 2.
- (ii) and (iii). Nil.
- (iv) 1.
- (v) 7.
- (vi) 2.
- (vii) 2.

I regret I am unable to give any information regarding Bengal detenues whose cases are dealt with by the Government of Bengal under the provisions of the Bengal Criminal Law Amendment Act, 1930.

#### INADEQUATE FAMILY ALLOWANCES GRANTED TO STATE PRISONERS AND DETENUS.

191. **\*Mr. S. C. Mitra :** Is it not a fact that there is a wide-spread complaint in the Bengal Presidency that the allowances granted to the families of State prisoners and detenues are grossly inadequate ?

**The Honourable Mr. H. G. Haig :** I am not aware of such a wide-spread complaint.

**Mr. S. C. Mitra :** Has not the Honourable Member received any complaints from the relatives of these detenues ? If so, how many ?

**The Honourable Mr. H. G. Haig :** We have received a few representations, Sir, but I do not think that discloses any evidence of a wide-spread complaint in the Bengal Presidency.

**Mr. S. C. Mitra :** Will the Honourable Member state how many complaints he has received ?

**The Honourable Mr. H. G. Haig :** I am afraid I should require notice of that question.

#### INADEQUATE FAMILY ALLOWANCES GRANTED TO STATE PRISONERS AND DETENUS.

192. **\*Mr. S. C. Mitra :** (a) Is it not a fact that in the case of persons detained without trial, there is a statutory obligation on the part of Government to make provision for the maintenance of their families ?



(b) Is it not a fact that in most cases the allowance granted to the families of State Prisoners and detenus is a fraction of what they used to earn prior to arrest ?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) Allowances for families of State Prisoners are fixed after careful consideration of all the circumstances of each case and Government are satisfied that they are adequate. Family allowances of detenus are fixed by the Bengal Government under the provisions of the Bengal Criminal Law Amendment Act, 1930, and I have no doubt that the Local Government considers each case carefully in the light of section 12 of that Act.

**Mr. K. C. Neogy :** So far as Regulation III prisoners are concerned, what inquiry is made by the Government of India to find out the facts needed before this allowance can be fixed ?

**The Honourable Mr. H. G. Haig :** The primary inquiry is made by the Local Government and a report is then made to the Government of India.

**Mr. K. C. Neogy :** Do the Government of India make any independent inquiry or do they depend upon the report which they received from the Local Government ?

**The Honourable Mr. H. G. Haig :** It is hardly possible for the Government of India to send their own officers to inquire into a matter under the jurisdiction of the Local Government.

**Mr. K. C. Neogy :** Would I be wrong then if I were to assume that the Government of India invariably accept the report of the Local Government in such matters ?

**The Honourable Mr. H. G. Haig :** I think that is the practice, but if on any matter we were not satisfied we would undoubtedly refer back to the Government of Bengal for further inquiry.

**Mr. K. C. Neogy :** Has that been done to the knowledge of the Honourable Member in any single instance ?

**The Honourable Mr. H. G. Haig :** I think not to my personal knowledge.

**Mr. K. C. Neogy :** Do the Government of India care to inquire as to exactly what is the nature of the investigation made by the Government of Bengal before they make their recommendations in these matters ?

**The Honourable Mr. H. G. Haig :** No, Sir. We may trust the Government of Bengal to make a thorough inquiry.

**Mr. K. C. Neogy :** Is the Honourable Member aware that the only inquiry which the Government of Bengal, or, for the matter of that, any Provincial Government, would make in such matters would be through the agency of the police ?

**The Honourable Mr. H. G. Haig :** I do not think that we can assume that at all.

**Mr. K. C. Neogy :** Has the Honourable Member taken care to assume himself that that is so ?

**The Honourable Mr. H. G. Haig :** We have made no inquiry ourselves as to how the Government of Bengal reach their conclusions in this matter.

**Mr. K. C. Neogy :** Would the Honourable Member now make an inquiry as to what is the exact nature of the investigation made and what agency is employed in making such inquiries ?

**The Honourable Mr. H. G. Haig :** That would show an unreasonable distrust of the Local Government.

**Mr. S. C. Mitra :** Has it not been brought to the notice of the Honourable Member by several petitions of the relatives of these State Prisoners that the only inquiry that the Government of Bengal made was through a police sub-inspector or a head constable and that was also very prefectorily ?

**The Honourable Mr. H. G. Haig :** I have no recollection of any such representation. I do remember that we did receive a representation on behalf of the family of one State Prisoner recently and though the matter had already been decided we sent it back again to the Government of Bengal for further inquiry.

**Mr. K. C. Neogy :** May I appeal to the experience of the Honourable Member as a district official under a Provincial Government and request him to tell this House as to what agency there is available to any Provincial Government except that of the Police for the purpose of making such inquiries ?

**The Honourable Mr. H. G. Haig :** In my own province undoubtedly there is an extensive revenue agency which would certainly be employed for such inquiries.

**Mr. K. C. Neogy :** Is the Honourable Member aware that so far as Bengal is concerned, there is no such revenue agency in existence owing to the permanent settlement ?

**The Honourable Mr. H. G. Haig :** There must be something which takes its place in Bengal.

**Mr. K. C. Neogy :** Will the Honourable Member find out what that " something " is so far as Bengal is concerned ?

**The Honourable Mr. H. G. Haig :** I see no necessity.

**Mr. Gaya Prasad Singh :** It may be the C. I. D.

**Dr. Ziauddin Ahmad :** The question is a simple one. Will the Honourable Member make inquiries and find out as to how the investigation is made ?

**The Honourable Mr. H. G. Haig :** I have already answered that question.

#### DIETARY ALLOWANCE GIVEN TO STATE PRISONERS AND DETENUS.

193. \***Mr. S. C. Mitra :** (a) What is the dietary allowance now being given to State prisoners and detenues (i) in Bengal ; and (ii) outside Bengal ?

(b) What was the dietary allowance given to State Prisoners and detenus between the years 1924 and 1927 (i) in Bengal ; and (ii) outside Bengal ?

(c) What was the dietary allowance given to State Prisoners and detenus in 1930 and 1931 (i) in Bengal ; and (ii) outside Bengal ?

**The Honourable Mr. H. G. Haig :** The scale of dietary allowance varies according to the place of detention. As regards State Prisoners under Regulation III of 1818, the rates in 1924-1927 were from Re. 1-6-0 to Rs. 3 a day and the present rates are from Re. 0-12-0 to Rs. 5.

The diet allowance of detenus under the Bengal Criminal Law Amendment Act, 1930, is fixed by the Government of Bengal. There were no detenus outside Bengal in 1930 and 1931. The provisions of the Bengal Supplementary Act only came into force this year.

**Mr. S. C. Mitra :** Will the Honourable Member try to answer the question, as is demanded in the question put, more fully, part by part, as otherwise it is very difficult to follow if a general reply covering all the points is put together ; and, as a matter of fact, many points are left out in the Honourable Member's reply ?

**The Honourable Mr. H. G. Haig :** Sir, I find considerable difficulty in giving answers to the very elaborate questions asked by the Honourable Member, but I thought in this particular case I had been successful. (Laughter.)

#### DIETARY ALLOWANCE GIVEN TO STATE PRISONERS AND DETENUS.

194. \***Mr. S. C. Mitra :** (a) Is it not a fact that some months ago the dietary allowance for State Prisoners and detenus was reduced by nearly 50 per cent. ?

(b) What was the allowance prior to and after reduction ?

(c) Why was it reduced ?

(d) Does the dietary allowance given include the cost of fuel as well ?

**The Honourable Mr. H. G. Haig :** (a), (b) & (c). The diet allowances sanctioned for State Prisoners have not been reduced. As regards detenus, I would refer the Honourable Member to the answer already given by me to his question No. 193.

(d) Yes.

**Mr. S. C. Mitra :** Will the Honourable Member kindly repeat the answers to (a), (b) and (c) ?

**The Honourable Mr. H. G. Haig :** (a), (b) and (c). I have answered by reference to the answers to question No. 193.

#### DELAY IN THE GRANT OF FAMILY ALLOWANCES TO STATE PRISONERS AND DETENUS.

195. \***Mr. S. C. Mitra :** Is it a fact that the Government of India and the Government of Bengal generally take from four to six months and some times even more to fix the allowance for the families of State prisoners and detenus and that in the meantime their families are given no maintenance allowance ?

**The Honourable Mr. H. G. Haig :** The allowances are fixed after ascertaining the facts of each case and the cases are decided as expeditiously as possible. I have no information regarding delay in sanctioning allowances to the families of detenus under the Bengal Criminal Law Amendment Act, 1930.

**Mr. Gaya Prasad Singh :** Are these allowances paid with retrospective effect also ?

**The Honourable Mr. H. G. Haig :** I am afraid I could not answer that off-hand.

**Mr. S. C. Mitra :** What is the information which the Honourable Member has about the average time taken for making inquiries and fixing the rate of allowance ?

**The Honourable Mr. H. G. Haig :** The answer to that also, I am afraid, I cannot give off-hand. But so far as we are concerned, we endeavour to dispose of these cases as rapidly as possible.

**Mr. S. C. Mitra :** Is the Honourable Member aware that effect is given from the date when the allowance is fixed, and that retrospective effect is not given from the date of restraint in prison ?

**The Honourable Mr. H. G. Haig :** No, Sir. I was not aware of that fact.

**Mr. S. C. Mitra :** Will the Honourable Member kindly make inquiries and see if retrospective effect may not be given to the rate of allowance fixed ?

**The Honourable Mr. H. G. Haig :** I shall certainly inquire about that.

**Dr. Ziauddin Ahmad :** In view of the fact that these allowances are sometimes fixed six months after detention, is it not desirable that they should be given from the date of detention ?

**The Honourable Mr. H. G. Haig :** The first thing, Sir, is to ascertain the facts, which I have already promised to do.

#### PROFESSIONAL COOKS FOR STATE PRISONERS AND DETENUS IN JAILS.

196. **\*Mr. S. C. Mitra :** (a) Are Government aware that most members of the Bhadrakol class in Bengal have professional cooks in their homes to cook their food, and that such professional cooks are generally Brahmins and in some cases Muhammadans and Mog *baburchis* who have a great reputation as cooks ?

(b) Do the statutes under which persons have been detained without trial make it obligatory on the part of Government to maintain them according to their rank in life and their normal mode of living ?

(c) Have any professional cooks been employed in any of the jails in which State Prisoners and detenus have been kept or in any of the detention camps ?

(d) Is it a fact that State Prisoners and detenus have to live on food cooked by convicts who are either agricultural labourers or belong to a low strata of society ?

**The Honourable Mr. H. G. Haig :** (a) I have no information.

(b) The Honourable Member is referred to section 1 of Regulation III and section 12 of Bengal Criminal Law Amendment Act.

(c) and (d). The cooking, both for State Prisoners and detenus, is done by convict cooks, who in certain cases at any rate are professional cooks.

**Mr. K. C. Neogy :** May I ask, what steps the Honourable Member or any other Member of the Government takes for the purpose of getting information on such points if they have not got full information, when notice of a question is received by them ?

**The Honourable Mr. H. G. Haig :** I am not quite clear what matters the Honourable Member is referring to ?

**Mr. K. C. Neogy :** The Honourable Member says that Government have no information. But certainly he received notice of the question some days back. What efforts did he make for the purpose of getting information on the particular point raised ?

**The Honourable Mr. H. G. Haig :** No efforts at all were made, Sir. I do not think that it is part of the duty of Government to ascertain what are the domestic conditions of the *Bhadralog* class in Bengal. (Laughter.)

**Mr. S. C. Mitra :** Is it not the duty of Government to inquire about these matters when they keep people under restraint for years without any trial ?

**The Honourable Mr. H. G. Haig :** The question was as to the nature of the cooks employed by the *Bhadralog* class in Bengal. I do not think it is necessary for Government to institute any inquiry into that.

**Mr. S. C. Mitra :** Is not the Honourable Member aware that the health of many of these State Prisoners has broken down due to bad food supplied in the jails, and is it not the duty of the Government of India to inquire whether they do get proper food, when they keep them under detention without any trial for years ?

**The Honourable Mr. H. G. Haig :** We are fully alive to the importance of providing detenus and State Prisoners with suitable food.

**Mr. K. C. Neogy :** What is the Honourable Member's idea of a "suitable cook" ?

**The Honourable Mr. H. G. Haig :** Food, or cook ?

**Mr. K. C. Neogy :** Food will do as well : what is the Honourable Member's idea of "suitable food" ?

**The Honourable Mr. H. G. Haig :** Any food to which these people have been accustomed.

**Mr. S. C. Mitra :** Referring to (c) and (d), when there are no trained cooks available in jail, what measures Government adopt in order to find proper cooks for State Prisoners ?

**The Honourable Mr. H. G. Haig :** I think there are cooks always available. The question, to what extent a cook can be described as a professional one, is a matter of opinion ; but one cannot always ensure that a sufficient supply of professional cooks become convicts. (Laughter.)

**Mr. K. C. Neogy :** Can the Honourable Member from his experience tell us as to whether the suitability of food does not depend very largely upon the suitability of the cook ?

**The Honourable Mr. H. G. Haig :** Special attention is paid to that.

**Mr. E. C. Neogy :** What efforts has the Honourable Member made to find out as to how far the cooks supplied in these particular instances do satisfy that test ?

**The Honourable Mr. H. G. Haig :** We have, Sir, taken a certain amount of trouble. In the case of the Camp at Deoli, there were complaints originally that the cooks supplied were not altogether satisfactory and we arranged to replace them by other cooks.

**SOCIAL STATUS OF MR. J. M. SEN-GUPTA.**

197. **\*Mr. S. C. Mitra :** (a) Is Mr. J. M. Sen-Gupta who at present is a State prisoner under Regulation III of 1818, a graduate of the Cambridge University and a Barrister-at-Law ordinarily practising in the Calcutta High Court ?

(b) Are Government in a position to state the income he was earning at the Bar when he was in active practice ?

(c) What proportion does the allowance granted to his family by Government, bear to the income he made at the Bar during the years 1927 to 1930 ?

(d) Has he been given a professional cook to cook his food in Jail ?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) and (c). I am unable to give information regarding the private affairs of the State Prisoner. In fixing the allowance for the support of his family, his rank in life and the wants of his family were fully and carefully considered as required by Regulation III of 1818.

(d) The services of a Bengali convict cook have been made available for him.

**SOCIAL STATUS OF MR. SARAT CHANDRA BOSE.**

198. **\*Mr. S. C. Mitra :** (a) Is Mr. Sarat Chandra Bose who at present is a State prisoner under Regulation III of 1818, a Barrister-at-Law and one of the acknowledged leaders of the Calcutta Bar ?

(b) On what annual income was he assessed to income-tax during the years 1927 to 1931 ?

(c) What proportion does the allowance granted to his family by Government, bear to the income he made at the Bar during the years 1927 to 1931 ?

(d) Is it not a fact that the allowance granted to his family as aforesaid is only a small fraction of the income he was making at the Bar ?

(e) Has he been given a professional cook to cook his food in Jail ?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b), (c) and (d). I regret I cannot give information which concerns the private affairs of a State Prisoner. An allowance of Rs. 1,200 a month has been sanctioned by the Government of India for the support of the family of Mr. Sarat Chandra Bose. I can assure the Honourable Member that before arriving at the decision that this was a suitable provision, his rank in life and the wants of his family were carefully considered as required by Regulation III of 1818.

(e) Yes.

**MEDICAL TREATMENT OF MR. SARAT CHANDRA BOSE IN JAIL**

199. \***Mr. S. C. Mitra** : (a) Is it not a fact that since his confinement under Regulation III of 1818, Mr. Sarat Chandra Bose has developed symptoms of diabetes ?

(b) What arrangements have Government made for his treatment ? Will he be allowed to be treated by his own physician ?

(c) If no arrangements have yet been made, will Government state the reasons therefor ?

**The Honourable Mr. H. G. Haig** : (a) He is suffering from Glycosuria. I understand that this is a long standing complaint from which he has suffered for some considerable time prior to his detention.

(b) and (c). He is under treatment and the latest report shows that the Glycosuria is improving, that his health is good and that he is not losing weight. In reply to a request from Mrs. Sarat Bose, Government have recently informed her that they have no objection to Mr. Sarat Bose being examined by a doctor of her own choice in consultation with the Jail Superintendent and another Government Medical Officer so that she may have the opinion of an experienced Medical Board.

**SOCIAL STATUS OF MR. SUBHAS CHANDRA BOSE.**

200. \***Mr. S. C. Mitra** : (a) Is Mr. Subhas Chandra Bose a graduate of the Cambridge University ? Did he stand 4th at the I. C. S. open competitive examination in London in 1920 ?

(b) Has he been given a professional cook to cook his food in jail ?

**The Honourable Mr. H. G. Haig** : (a) Yes.

(b) Arrangements have been made for a professional cook to work for both brothers in the Central Provinces. Mr. Subhas Bose has been temporarily transferred to Madras for special medical examination.

**MEDICAL TREATMENT OF MR. SUBHAS CHANDRA BOSE IN JAIL.**

201. \***Mr. S. C. Mitra** : (a) Is it a fact that Mr. Subhas Chandra Bose has been suffering since January 20th, from acute pains in the region of the gall bladder and liver accompanied occasionally by high fever ?

(b) Was any attempt made to diagnose his illness between the 20th January and 4th June, 1932 ?

(c) Is it a fact that he has been getting a daily rise of temperature which rises upto 100° on certain days and has been suffering from acute internal pain, sciatica, constipation and lassitude ?

(d) Is it a fact that he has lost upto now 42 lbs. in weight ? What was his weight on admission and what is his present weight ?

(e) Is it a fact that he has been living on soups and liquid diet since the 20th January last ?

(f) Is it a fact that though he had been taken to the Jubbulpore British Military Hospital for X-Ray and medical examination, there was no X-Ray examination of the gall bladder ?

(g) Will arrangements be made for X-Ray examination of the gall bladder in some other well equipped hospital ?

(h) Has Mr. Subhas Chandra Bose's illness been finally diagnosed yet ? If so, what is the diagnosis ? What is the report of the Medical Board which examined him at Jubbulpore ? Is it a fact that they recommended that he should be treated in a well equipped hospital ?

(i) What steps do Government propose to take for his treatment ? Is it not a fact that no systematic treatment has yet been started ?

**The Honourable Mr. H. G. Haig :** Mr. Bose's condition has been carefully watched by the Medical Officers of the jails in which he has been confined. To facilitate further diagnosis he was examined at the Military Hospital at Jubbulpore where he was sent at the end of May, and the Medical Board recommended that he should be admitted for further examination and treatment to a hospital with X-ray equipment. He was accordingly transferred to Madras in July for further examination and treatment. The final report on his health after X-ray examination at Madras shows that he is suffering from tuberculosis. The question of his treatment is under consideration.

**DIAGNOSIS OF DISEASES OF MR. SARAT CHANDRA BOSE AND MR. SUBHAS CHANDRA BOSE.**

202. **\*Mr. S. C. Mitra :** Is it a fact that Government have not informed either Mr. Sarat Chandra Bose or Mr. Subhas Chandra Bose or any of their friends or relatives as to the diagnosis made by the Medical Board in their cases ? Do Government propose to give that information now ?

**The Honourable Mr. H. G. Haig :** I would refer the Honourable Member to the replies given by me to his two questions, Nos. 199 and 201. I have no reason to think that these two State Prisoners are not aware of the medical reports on their health. No requests have been made to the Government of India by relatives for this information.

**ILLNESS OF MR. SUBHAS CHANDRA BOSE, MR. SARAT CHANDRA BOSE AND MR. J. M. SEN-GUPTA IN JAIL.**

203. **\*Mr. S. C. Mitra :** (a) Is it a fact that Mr. Subhas Chandra Bose's brother Dr. Sunil Chandra Bose has been refused permission to examine Mr. Subhas Chandra Bose and Mr. Sarat Chandra Bose ? Why has the permission been refused ? Under what statute or rules has this permission been withheld ?

(b) Why has not Mr. Subhas Chandra Bose been sent to a well equipped Hospital as recommended by the Medical Board ?

(c) What facilities are given to Mr. Sarat Chandra Bose and Mr. Subhas Chandra Bose and Mr. J. M. Sen-Gupta for their recreation ?

(d) Is it a fact that the Government have been approached by his relatives to allow Mr. Subhas Chandra Bose to be examined and treated by his own physicians namely Sir Nilratan Sircar, Kt. and Dr. Bidhan Chandra Roy ?

**The Honourable Mr. H. G. Haig :** (a) and (d). In accordance with a request made to them Government agreed to the examination of Mr. Subhas Chandra Bose by two private Doctors mentioned in part (d)



of the question. As regards Mr. Sarat Chandra Bose, I would refer the Honourable Member to my reply to (b) and (c) of his question No. 199.

(b) I would refer the Honourable Member to the replies given by me to his question No. 201.

(c) They are given facilities for reading and for walks within the jail grounds. Mr. Sarat Chandra Bose and Mr. Subhas Chandra Bose have also been provided with a badminton court.

**Mr. K. C. Neogy :** Is it a fact that the physicians, at least some of them, who examined Mr. Subhas Chandra Bose, were of opinion that he should be removed for treatment to a Sanitorium in Europe ?

**The Honourable Mr. H. G. Haig :** That was one of the suggestions made, Sir.

**Mr. K. C. Neogy :** Are Government considering that suggestion ?

**The Honourable Mr. H. G. Haig :** They also made an alternative suggestion which we have under consideration at the moment.

**Mr. K. C. Neogy :** What is the alternative suggestion ?

**The Honourable Mr. H. G. Haig :** I would rather not state that until we have proceeded a little further, Sir, with our examination of the question.

**Mr. K. C. Neogy :** Does the alternative suggestion relate to his transfer to a Sanitorium in India called Bhawali ?

**The Honourable Mr. H. G. Haig :** To a Sanitorium in India, yes.

**DETENTION OF MR. SARAT CHANDRA BOSE, MR. SUBHAS CHANDRA BOSE AND MR. J. M. SEN-GUPTA UNDER REGULATION III OF 1818.**

204. **\*Mr. S. C. Mitra :** (a) Have Mr. Sarat Chandra Bose, Mr. Subhas Chandra Bose and Mr. J. M. Sen Gupta been respectively informed of all the circumstances relating to the supposed grounds of the determination that they shall be placed under personal restraint under Regulation III of 1818 ? If so, how and when ?

(b) Have Mr. Sarat Chandra Bose, Mr. Subhas Chandra Bose and Mr. J. M. Sen Gupta been given any opportunity or facility to bring to the notice of His Excellency the Viceroy and Governor General in Council any circumstances relating either to the supposed grounds of such determination or to the manner in which it may be executed ? If not, why not ?

**The Honourable Mr. H. G. Haig :** (a) The answer is in the negative.

(b) It is open to a State Prisoner at any time to make a representation to the Governor General in Council under section 5 of Regulation III of 1818.

**Mr. S. C. Mitra :** Will the Honourable gentleman please explain why Messrs. Subhas Chandra Bose, Sarat Chandra Bose and Sen-Gupta were not informed of the circumstances and grounds on which they were put under restraint ? Why are Government unwilling to place them before the House ?

**The Honourable Mr. H. G. Haig :** It is not the normal practice to take this action in the case of prisoners who are detained under Regulation III.

**Mr. S. C. Mitra :** Cannot the Honourable Member comprehend that there may be suspicious circumstances which the State Prisoners alone may be in a position to explain satisfactorily, if they are given a chance ?

**The Honourable Mr. H. G. Haig :** It is an exceptional procedure and we have to follow an exceptional course.

**Mr. S. C. Mitra :** Does the Honourable Member consider the imprisonment as exceptional ? Is that the point ?

**The Honourable Mr. H. G. Haig :** The whole procedure under Regulation III is exceptional.

**Mr. S. C. Mitra :** Does he not consider that there may be circumstances which the prisoner who is under restraint may be in a position to explain which may apparently look like suspicious to others unacquainted with the special circumstances ? I would like to know why these prisoners should not be given a chance to explain their case ?

**The Honourable Mr. H. G. Haig :** It may be so, Sir ; but they are always in a position to make a representation on any matter and that would receive the careful consideration of the Government.

**Mr. S. C. Mitra :** Unless they know what are the charges against them, how can they offer an explanation that may remove the particular suspicion ?

**The Honourable Mr. H. G. Haig :** That, I am afraid, is inherent in the nature of this procedure under Regulation III.

**Mr. S. C. Mitra :** May I take it that the Regulation contemplates that the prisoners will not be given any chance, even to have an idea of the charges for which they are put under restraint ?

**The Honourable Mr. H. G. Haig :** As I read the Regulation, that is the position.

**Mr. K. C. Neogy :** Were the papers relating to the charges against these three individuals ever placed before any High Court Judges as used to be the practice at one time at least in regard to such cases ?

**The Honourable Mr. H. G. Haig :** No, Sir. I have been looking up some of the old papers and I find that my Honourable friend addressed a number of questions on this point to Sir Alexander Muddiman some years ago. It was then explained that the normal procedure is that which has been followed in the case of these gentlemen and that it was only in exceptional cases, which were parallel to those dealt with under the Bengal Criminal Law Amendment Act, that the papers were placed before Judges.

**Mr. Gaya Prasad Singh :** Is it not a fact that Mr. Sen-Gupta was arrested on board the steamer at Bombay after his absence from India for a considerable time before his return ?

**The Honourable Mr. H. G. Haig :** I was not in India myself at the time. I am afraid I cannot give an answer to the Honourable Member's question.

**Mr. S. C. Sen :** This Regulation was made in 1818 and the procedure was arrived at in 1880 ; we are now in 1932 ; does not the Honourable Member consider that it is high time that the procedure should be abandoned and a new procedure should be enacted ?

**The Honourable Mr. H. G. Haig :** No, Sir. The procedure fits certain exceptional conditions which, I am afraid, still prevail.

**Mr. K. C. Neogy :** Is it not a fact that Government are going back to the ideas that prevailed in 1818, if not earlier ?

**The Honourable Mr. H. G. Haig :** They are certainly acting on a provision which was passed in 1818.

**Mr. S. C. Mitra :** May I take it that the Honourable the Home Member is of the opinion that these State Prisoners should not be apprised of the charges that are brought against them and should not be given an opportunity to explain their cases ?

**The Honourable Mr. H. G. Haig :** I have already explained my position in this matter to the Honourable Member.

#### REDUCTION OF CERTAIN APPOINTMENTS IN POST OFFICES AND RAILWAY MAIL SERVICE.

205. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to furnish a statement showing (i) number of selection grade appointments in the grade of Rs. 160—250 and Rs. 250—350, (ii) time-scale appointments which have been reduced between the periods of 1st April to 31st August, 1932, in Post Offices and Railway Mail Service in each circle as well as in each of the Presidency Towns of Bombay, Calcutta and Madras ?

**Mr. T. Ryan :** A statement is laid on the table : the totals are, for the Selection grade 137 and for the time-scale 615.

#### Statement.

	Selection grade.	Time scale.
Calcutta .. .. .	14	143
Rest of Bengal and Assam Circle .. .. .	28	80
Bombay .. .. .	1	33
Rest of Bombay Circle .. .. .	14	76
Madras .. .. .	.. .. .	5
Rest of Madras Circle .. .. .	17	32
Bihar and Orissa .. .. .	10	53
Burma .. .. .	10	47
Central .. .. .	6	28
Punjab and N.-W. F. .. .. .	1	30
United Provinces .. .. .	20	62
Sind and Baluchistan .. .. .	7	26
Totals .. .. .	137	615

**SELECTION GRADE APPOINTMENTS IN POST OFFICES AND RAILWAY MAIL SERVICE.**

206. **\*Mr. S. C. Mitra :** (a) Will Government please state what is the percentage of selection grade appointments in the Post Office and Railway Mail Service and what percentage has been recommended by the Posts and Telegraphs Retrenchment Advisory Sub-Committee ?

(b) Have the Posts and Telegraphs Retrenchment Advisory Committee recommended any reduction of staff ? If not, on what ground is the staff being retrenched ?

**Mr. T. Ryan :** If the Honourable Member will refer to Chapter XVI of the Report of the Posts and Telegraphs Sub-Committee of the Retrenchment Advisory Committee, a copy of which is in the Library, he will find information as to the position and what the Sub-Committee said about it. I do not find that the Sub-Committee made any definite recommendation on this point : in fact the number of selection grade posts is not determined by any formula other than the actual necessities of particular offices.

Retrenchment of selection grade staff, as of other staff, is being made, where this can reasonably be done, in the interests of the economical administration of the Posts and Telegraphs Department.

**REDUCTION OF LOWER DIVISION CLERKS IN POST OFFICES AND RAILWAY MAIL SERVICE.**

207. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Director General of Posts and Telegraphs has decided to introduce 33 per cent. lower division clerks in Post Offices and Railway Mail Service immediately ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state how this system will be introduced ? Will the senior men be compelled to retire to make room for lower division clerks ? If not, how will the vacancies be created ?

(c) What will be the qualification of those lower division clerks and how will they be recruited ?

(d) If the senior men are to be made to retire, will Government please furnish a statement showing the savings likely to be effected by compelling certain men to retire earlier and taking lower division clerks in their place ?

**Mr. T. Ryan :** (a) Under orders of the Government of India, the scheme referred to which was advocated by the Retrenchment Sub-Committee, is to be carried into full effect with the least possible delay as vacancies occur.

(b) Posts in the lower clerical division will be created as vacancies in the other divisions of the clerical cadre occur ; (1) in the ordinary

course, (2) by the retirement of such of the existing incumbents of clerical posts as may volunteer to retire, (3) by the compulsory retirement of those whose record of service has been consistently unsatisfactory, or (4) by the compulsory retirement of those who have attained 55 years of age.

(c) Recruitment will be made partly by promotion of officials of the postmen class and other employees of corresponding status (excluding Boy Peons), and partly from outside candidates who have passed the Matriculation Examination of an Indian University or its equivalent. In all cases candidates will have to pass a departmental test.

(d) The scheme is still in its initial stages and I regret that it would not be possible to make a reliable estimate without extensive investigation.

#### REDUCTION OF TELEGRAPH MASTERS AND TELEGRAPHISTS.

208. \***Mr. S. C. Mitra** : (a) Will Government be pleased to furnish a statement showing the number of (i) Telegraph Masters, and (ii) telegraphists reduced between the periods of 1st April, 1932 to 31st August, 1932, in each of the Central Telegraph Offices of Bombay, Calcutta, Madras and Agra as well as in each Circle ?

(b) Is it a fact that some of the telegraphists have been transferred to local Post Offices of Calcutta, Bombay, Madras, etc. ?

(c) Have these telegraphists been absorbed in vacancies in the Post Offices ? If so, what will be their position there ?

(d) Will Government please further state how many clerks of these Post Offices have been compelled to retire to make room for these telegraphists ?

(e) Will Government please state the grounds for transferring these men to the Post Offices when the staff of the Post Offices are also being retrenched ?

**Mr. T. Ryan** : (a) A statement furnishing the required information is laid on the table.

(b) Yes.

(c) and (e). The intention is to utilise temporarily the services of surplus telegraphists in vacancies of postal signallers in combined post and telegraph offices until the surplus in the telegraphists' cadre disappears. The arrangement is in accordance with the recommendation of the retrenchment sub-committee.

(d) None.

Statement showing the number of Telegraph Masters and Telegraphists reduced during the period between 1st April 1932 and 31st August 1932 in each of the Central Telegraph Offices at Bombay, Calcutta, Madras and Agra and also in each Circle.

	Telegraph Masters.	Telegraphists.
1. Bombay Central Telegraph Office ..	5	15
2. Calcutta Central Telegraph Office ..	4	28
3. Madras Central Telegraph Office ..	1	7
4. Agra Central Telegraph Office ..	3	2
Total ..	13	52
1. Bengal and Assam Circle ..	4	29
2. Bihar and Orissa Circle ..	Nil.	2
3. Bombay Circle ..	8	26
4. Burma Circle ..	3	13
5. Central Circle ..	Nil.	7
6. Madras Circle ..	1	14
7. Punjab and N. W. F. Circle ..	2	26
8. Sind and Baluchistan Circle ..	1	2
9. United Provinces Circle ..	5	5
Total ..	24	124

REDUCTION OF CERTAIN OFFICERS OF THE TELEGRAPH DEPARTMENT.

209. \*Mr. S. C. Mitra : (a) Will Government please furnish a statement showing the number of (i) Divisional and Sub-Divisional Engineers, Telegraphs, (ii) Assistant and Deputy Assistant Engineers, and (iii) Engineering Supervisors reduced between the period of 1st April and 31st August, 1932 ?

(b) Is it a fact that very few engineering officers have been reduced ? If so, why ?

The Honourable Sir Frank Noyce : (a) During the period in question there has been no reduction in the number of Divisional and Assistant Divisional Engineers, Telegraphs, but the posts of one Deputy Assistant Engineer, Telegraphs, and of one Engineering Supervisor, General, have been brought under reduction. Steps are being taken to effect a further reduction of 10 posts of Assistant and Deputy Assistant Engineers, Telegraphs, and of 15 posts of Engineering Supervisors, General.

(b) Yes. The question what further reductions are possible in the personnel of all branches of the Posts and Telegraphs Department is being examined with the help of a special officer who has recently been appointed to assist in securing economies. The Honourable Member will appreciate that the lines and equipment of the department must be maintained at a high level of efficiency whether the traffic is heavy or light and that for this reason it is not so easy to effect reduction in the engineering branch as it may be in others.

**CONVERSION OF SUB-POST OFFICES INTO EXTRA-DEPARTMENTAL ONES.**

210. \***Mr. S. C. Mitra** : (a) Is it a fact that the Director General of Posts and Telegraphs has converted many Sub-Post Offices into Extra-Departmental Sub-Post Offices ?

(b) If so, how many offices have been converted since 1st April, 1932 ?

(c) What is the pay of the Extra-Departmental Sub-Postmasters and are their duties the same as Departmental Sub-Postmasters ?

(d) What arrangement will be made to carry on the work of the Extra-Departmental Sub-Postmasters when they will be absent ?

**Mr. T. Ryan** : (a) The fact is that as a measure of economy steps are being taken towards the employment of extra-departmental postmasters in these sub-post offices in which work can be managed by this class of employees.

(b) Several of the departmental sub-post offices have been converted into extra-departmental sub-post offices. Up-to-date figures are, however, not available.

(c) Extra-departmental sub-postmasters are given an allowance only for postal work, generally not exceeding Rs. 30 per mensem in each case. The nature of work performed by an extra-departmental sub-postmaster is similar to that of a departmental sub-postmaster.

(d) When an extra-departmental sub-postmaster is temporarily absent, a departmental official has to be sent from the nearest station to perform the work of the extra-departmental sub offices.

**INTRODUCTION OF NEW SCALES OF PAY FOR POSTS AND TELEGRAPHS DEPARTMENT.**

211. \***Mr. S. C. Mitra** : (a) Will Government please state when they are going to introduce new scales of pay for the Posts and Telegraphs Department ?

(b) What will be the rates of pay of various officers and subordinates of the Department ?

(c) Will the new scale be applicable to the future entrants or will it affect the existing staff as well ?

**The Honourable Sir Frank Noyce** : (a) to (c). The matter is still under consideration.

**REDUCTION OF OFFICERS IN THE POSTS AND TELEGRAPHS DEPARTMENT.**

212. \***Mr. S. C. Mitra** : Will Government please furnish a statement showing the number of officers reduced in the Posts and Telegraphs Department from January, 1932, to 31st August, 1932, as a result of retrenchment showing how many of them are (i) European, (ii) Anglo-Indian, and (iii) Indian ?

**The Honourable Sir Frank Noyce** : If the Honourable Member is referring to the gazetted officers of the Posts and Telegraphs Department the reply to his question is that the number is 31, of whom 1 is a European, 8 are Anglo-Indians and 22 are Indians.

**RECRUITMENT OF MUSLIMS IN THE SECURITY PRINTING, INDIA, CURRENCY NOTE PRESS AND CENTRAL STAMP STORES.**

†213. \*Nawab Naharsingji Ishwarsingji : Will Government be pleased to state :

- (a) the years in which the following concerns began working :  
 (i) Security Printing, India, (ii) Currency Note Press, and  
 (iii) Central Stamp Stores ;
- (b) whether Government orders were issued prior to the commencement of these concerns to give preference to Muslims in Government service ;
- (c) if the reply to part (b) above is in affirmative, why so few Muslims were selected and what action Government propose to take for the recruitment of Muslims in future and for promotion of those already in service there to posts of ministerial as well as non-ministerial heads of offices on the ground that they belong to a minority community ; and
- (d) out of five permanent Muslims now working, how many were directly appointed and how many were transferred from other Government offices ?

**PRO-REPEATER ALARM PISTOLS AND THEIR DETONATING DISCS.**

214. \*Mr. M. Maswood Ahmad (on behalf of Shaikh Fazal Haq Piracha) : (a) Is it a fact that pro-repeater alarm pistols and its detonating discs are being imported and passed through Bombay port and are classed by customs authorities, pistols as "toys" and discs as "manufactured fireworks" ? If so, will Government be pleased to state whether the "manufactured fireworks" contain anything of the fulminate class ?

(b) Are Government aware that pro-pistols and their detonating discs are being extensively advertised in newspapers by Messrs. Sadiq Bros., 242, Abdul Rehman Street, Bombay, No. 3, and Messrs. Dilawar and Company, Bhuleshwer, Bombay, No. 2, and are sold by them to everyone without licence ?

(c) Is it a fact that these firms are supplying pro-pistols and discs to their customers in Bihar and Orissa and United Provinces free of any restriction whatsoever, while restrictions on detonating discs have been imposed by local authorities in these provinces on the ground that they contain fulminate and require special licence from the Government of India ?

(d) Is it a fact that Burma Government have prohibited entry of both these pistols and discs into that territory and, if so, under what authority ?

(e) Is it a fact that the Bengal Government do not object possession of pro-pistols but do object to their discs or crackers (without which possession of pistols themselves is quite useless) and, if so, under what authority ?

(f) Will Government be pleased to state why certain restrictions in some of the Provinces have been imposed on one and the same thing after

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†For answer to this question, see answer to starred question No. 183.



they were duly examined and passed by the customs authorities at Bombay and are sold by Bombay dealers so freely and whether Government propose to issue one general order in this connexion effective for the whole of India including Burma ?

**The Honourable Mr. H. G. Haig :** With your permission, Sir, I propose to reply to questions Nos. 214, 854, 355 and 383 together. I am making enquiries into the matters raised by Honourable Members in these questions and will lay the information on the table when the enquiries are complete.

#### NEED FOR A RAILWAY STATION AT KOMAKHAN, BENGAL NAGPUR RAILWAY.

215. **\*Mr. M. Maswood Ahmad** (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Has the attention of Government been invited to the article which appeared in the *Hitavada* of the 17th July, 1932, on page 11, under the caption "Need for Railway Station at Komakhan", Komakhan being a place on the Raipur-Vizianagram section of the Bengal Nagpur Railway ?

(b) If so, will Government kindly state what action they propose to take in the matter ?

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

(b) The attention of the Agent, Bengal Nagpur Railway, has been drawn to it.

#### ENTERTAINMENT OF RETRENCHED OFFICERS IN THE GEOLOGICAL SURVEY OF INDIA.

216. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state whether an officer named Mr. Hobson proposes to retire from service in the Geological Survey of India ? If so, have Government accepted his resignation and on what date ?

(b) Is there a proposal for re-entertaining a retrenched officer named Mr. Bradshaw ; if so, who proposed such an arrangement and when was it received by Government ?

(c) Is it a fact that four Indian officers have been retrenched from Class I and re-entertained in Class II ?

(d) Is it a fact that the Director of the Geological Survey gave these four officers an assurance that vacancies arising in Class I would be filled up by them and not by outside candidates ?

(e) Is it not a fact that Mr. Bradshaw's lien on the department expired with the termination of his leave in February, 1932 ; if so, will it not be a new appointment ?

(f) If Government are re-entertaining Mr. Bradshaw, on what grounds do they justify the appointment of a man who has no lien on the Department ? Is it not a fact that there are in the Department qualified men, who recently occupied the higher posts and are available to fill up vacancies ?

(g) Is it a fact that Mr. Bradshaw was on leave for four years out of his actual service of nine years in the Department ?

(h) What will be the total monthly emoluments of Mr. Bradshaw if he is re-entertained, and those of a retrenched officer now in Class II ?

(i) Is it not the declared policy of Government to entertain Indians in higher grades in preference to Europeans, if both are of equal merit ?

**The Honourable Sir Frank Noyce :** (a) Mr. Hobson offered voluntarily to retire and the offer was accepted by Government on the 5th May, 1932.

(b) Mr. Bradshaw was not actually retrenched but was under notice of retrenchment. In view of the probability of Mr. Hobson's voluntary retirement Mr. Bradshaw's notice was extended on the suggestion of the Director which was received on the 1st of February, 1932.

(c) Yes.

(d) I am not aware that any such assurance has been given.

(e) No, as Mr. Bradshaw's leave was extended.

(f) This question does not arise.

(g) Since Mr. Bradshaw joined the service in January, 1923, he has been granted leave for a total period of approximately three years and four months. Two years of this was granted to enable him to take up a Commonwealth Fund Service Fellowship in the United States for the prosecution of research work.

(h) Mr. Bradshaw's pay is Rs. 900 plus £30 overseas pay. Prior to their relegation to Class II, the four officers mentioned in the reply to parts (c) and (d) of the Honourable Member's question drew in their former grade pays varying from Rs. 500 to Rs. 600.

(i) It is the declared policy of Government to recruit Indians to the Geological Survey whenever men possessing the required qualifications are available. There was, however, no question of recruitment in this instance.

**Mr. K. C. Neogy :** What are the qualifications of this gentleman, Mr. Bradshaw ?

**The Honourable Sir Frank Noyce :** He is, I understand, a Graduate in Science (Honours), but I shall be glad to let the Honourable Member know later on exactly what his qualifications are after making enquiries ?

**Mr. K. C. Neogy :** Is the Honourable Member aware that of these de-promoted officers—whatever you might call them—two are London D. Scs. ?

**The Honourable Sir Frank Noyce :** I believe that is the case, but I would point out that scientific qualifications are not the only ones which have to be considered in this connection.

**Mr. K. C. Neogy :** Is the Honourable Member in a position to state before this House as to what qualifications are possessed by this Mr. Bradshaw other than scientific qualifications ?

**Mr. Gaya Prasad Singh :** Racial qualifications !

**The Honourable Sir Frank Noyce :** Mr. Bradshaw possesses considerable experience and, as I have already mentioned in reply to the question, he was for two years in the United States prosecuting research work.

the benefit of which would have been lost to India if he had not been retained in the department.

**Mr. K. C. Neogy :** Is it not a fact that so far as actual field experience in India goes, there are officers among the depromoted Indian officers who have considerably more experience than Mr. Bradshaw ?

**The Honourable Sir Frank Noyce :** I understand they are all junior in status to Mr. Bradshaw and, therefore, it is probable that they have less field experience.

**Mr. K. C. Neogy :** I did not mean the seniority of Mr. Bradshaw as compared with these men. What I meant was whether it was not a fact that these Indian officers who had been depromoted possessed considerably more experience in field work in India than Mr. Bradshaw ?

**The Honourable Sir Frank Noyce :** I have already said they have less experience in the department, and, therefore, I should think they have less field experience. But I can make further enquiries on the point and communicate the results.

**Mr. Gaya Prasad Singh :** Why was Mr. Bradshaw retained in the department when he was on the retrenchment list ?

**The Honourable Sir Frank Noyce :** Because another officer offered voluntarily to retire.

**Mr. S. C. Mitra :** In computing the period of experience of Mr. Bradshaw in the department, was the period during which he was on leave, namely, three years and four months, taken into consideration ? If that period is excluded, will he still be senior to the officers who have been depromoted ?

**The Honourable Sir Frank Noyce :** I have already pointed out that two years out of those three years and four months were spent in prosecuting research work in United States which, as I have said, must be of great value to India.

**Mr. K. C. Neogy :** What is the nature of the research that he made ?

**The Honourable Sir Frank Noyce :** I must ask for notice of that question.

**Mr. K. C. Neogy :** I think the Honourable Member holds the opinion that the experience gained in research work by Mr. Bradshaw is very valuable for India and that is why I ask what is the nature of the research work which Mr. Bradshaw conducted. Surely the Honourable Member would not require notice for this.

**The Honourable Sir Frank Noyce :** If the Honourable Member means what studies Mr. Bradshaw was engaged in, I may say the studies were in prosecution of his particular line of work.

**Mr. K. C. Neogy :** I should expect the Honourable Member to tell the House as to what exactly was the line of research followed by this gentleman while in America and how far and to what extent that particular experience will be valuable for India.

**The Honourable Sir Frank Noyce :** I must ask for notice of that question, in order that I might look up the specific details of the work on which Mr. Bradshaw was engaged.

**Mr. Gaya Prasad Singh :** May I know whether, if Mr. Bradshaw's services were not retained in the department, a qualified Indian next on the list would have been acting in his place ?

**The Honourable Sir Frank Noyce :** That, Sir, is a hypothetical question. As I have already explained, Mr. Bradshaw was retained in the place of an officer who had voluntarily retired.

RETRENCHMENT IN THE GEOLOGICAL SURVEY OF INDIA.

217. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the number of European and Indian officers in Class I in the Geological Survey of India in each year from 1919 to date ? What was the proportion of Europeans and Indians in Class I before and after the recent retrenchment ?

(b) Is not the drastic reduction in the proportion of Indians directly in contravention of the recommendation of the Retrenchment Committee and of the Government's policy of Indianization ?

(c) What are the principles on which officers were selected for retrenchment ? Was it left entirely to the pleasure of the Director or did Government independently consider every single case on its merits ?

(d) Why have four Indian officers, of whom three are D. Sc.'s, been reduced from Class I to Class II ? Were their qualifications inferior to those of men retained in Class I ?

(e) Is it not a fact that as a result of the accommodation of these Indian officers in Class II, the pay of all the extra Assistant Superintendents has been reduced by about 10 per cent. in addition to the general 10 per cent. cut in pay ? Have other gazetted officers in this Department been subject to similar extra cut in pay ?

(f) Have any European officers been offered similar terms of retrenchment and re-employment in Class II ? If not, why were Indians alone selected for this reduction in status as well as in pay ?

(g) Is it a fact that two officers with more than 25 years' service have been retained in the Department when the status and pay of juniors have been reduced ? If so, why ?

**The Honourable Sir Frank Noyce :** (a) A statement is laid on the table. The proportion of European to Indian officers in Class I before and after the retrenchment was 18 : 11 and 11 : 3, respectively.

(b) No. The recommendation was to the effect that, wherever practicable, regard should be had to Government's policy relating to the Indianisation of the services. In the present case, as a result of retrenchment, seven European officers have left the Department for good whereas only three Indian Officers have done so. The policy regarding Indianisation remains unchanged, and recruitment in England has ceased.

(c) The selection was made by Government in consultation with the Director. In selecting officers for retrenchment special weight was attached to the specialized knowledge of individual officers and their value to the Department.

(d) The four Indian officers were among those who had been selected for retrenchment, and notices of termination of services were actually served

upon them. It was found possible subsequently to offer them posts in the Class II Service. The object was to minimise hardship to them and to retain their services for the Department. They were junior to the Class I officers who were retained in that class.

(e) The answer to the first part is in the affirmative and to the second part in the negative.

(f) No retrenched European officers were offered the option of serving in Class II posts. Government had no reason for believing that any of them would accept such an offer, and the offer was made to the four youngest officers in the Department who were all Indians, for the reasons I have already given.

(g) Yes. Because it would not have been in the interests of the public service to denude the Department entirely of senior officers. As a matter of fact, of the 11 Class I officers who had more than 11 years' service when the selection was made, only three now remain.

*Statement showing the number of European and Indian Officers in Class I in the Geological Survey of India from 1919 to 1932 as it stood on the 1st July of each year.*

Year.	Number of European Officers.	Number of Indian Officers.	Remarks.
1919 .. .. .	15	*1	* Statutory native of India.
1920 .. .. .	15	†3	† Including one statutory native of India.
1921 .. .. .	17	4	Do.
1922 .. .. .	18	4	Do.
1923 .. .. .	20	4	Do.
1924 .. .. .	21	5	Do.
1925 .. .. .	20	6	Do.
1926 .. .. .	20	7	Do.
1927 .. .. .	20	8	Do.
1928 .. .. .	20	10	Do.
1929 .. .. .	20	9	Do.
1930 .. .. .	19	11	Do.
1931 .. .. .	18	11	Do.
1932 .. .. .	18	11	Do.
(Before retrenchment).			
1932 .. .. .	11	3	Do.
(After retrenchment).			

**Mr. K. C. Neogy :** May I know from the Honourable Member as to what effect this policy of retrenchment had on the proportion of Indians in Class I as compared with Europeans ?

**The Honourable Sir Frank Noyce :** I have already said that the proportion of Europeans to Indian officers in Class I before and after the retrenchment was 18 : 11 and 11 : 3, respectively.

**Mr. K. C. Neogy :** Does that accord with the ideas of Indianisation which the Honourable Member has ?

**The Honourable Sir Frank Noyce** : I may say that I was not in the department when this retrenchment was carried out. But it does seem to me a considerable advance in the policy of Indianisation to reduce the number of Europeans in the department by seven as against only three Indians.

**Mr. K. C. Neogy** : Is it not a fact that several Indians have been reduced to class II ?

**The Honourable Sir Frank Noyce** : Yes, Sir, because they were willing to go there. The only way to keep them in the department was by adopting that course and to the best of my knowledge they accepted it cheerfully.

**Mr. K. C. Neogy** : Is it not a fact that two alternatives were placed before them, either to leave the department or to go down into class II ?

**The Honourable Sir Frank Noyce** : Obviously, Sir. I have already said that the only way to keep them in the department was by their accepting posts in class II.

SANCTION OF AN ALLOWANCE FOR THE ASSISTANT DIRECTOR, GEOLOGICAL SURVEY OF INDIA.

218. **\*Mr. S. C. Mitra** : Is it a fact that a new allowance of Rs. 200 per mensem has been sanctioned for the post of Assistant Director, Geological Survey of India, during the last few months, while the allowances for the Palaeontologist and Curator have been withdrawn ? Is it not a fact that there was no allowance for the Assistant Director till recently ? How do Government justify this new expenditure particularly at this period of financial stringency ?

**The Honourable Sir Frank Noyce** : The reply to the first two parts of the question is in the affirmative.

The post of Assistant Director is now held by an Assistant Superintendent and not by a Superintendent as was formerly the case. The Assistant Superintendent draws his grade pay *plus* a special pay of Rs. 200 per mensem, an arrangement which is more economical than that which it has superseded.

**Mr. K. C. Neogy** : Is it not a fact that until a few months ago this post carried no special allowance ?

**The Honourable Sir Frank Noyce** : It was then held by a Superintendent.

**Mr. K. C. Neogy** : Why was it that Government in these days of retrenchment went in for this additional expenditure ?

**The Honourable Sir Frank Noyce** : The present arrangement is more economical than the arrangement which it superseded. The post was considered of sufficient importance to be held by a Superintendent. It is now held by an Assistant Superintendent, but as it carries additional responsibilities, responsibilities which were formerly exercised by a Superintendent, it was considered equitable to give him a special pay.

**Mr. K. C. Neogy :** When did it actually strike the Honourable Member that this appointment carries extra responsibilities and therefore deserves an additional allowance ?

**The Honourable Sir Frank Noyce :** As I have said, the fact that the post was formerly held by a Superintendent shows that it is of a responsible character. We have now as a measure of economy decided that it should be held by an Assistant Superintendent and therefore it is obvious, I think, that special pay is justified as he is doing the work which was formerly done by a Superintendent.

**Mr. K. C. Neogy :** How long has this post been held by an Assistant Superintendent ?

**The Honourable Sir Frank Noyce :** Since the reorganisation of the department. I cannot say off-hand when the new arrangement came into force.

**Mr. K. C. Neogy :** Was the allowance granted simultaneously along with the reorganisation ?

**The Honourable Sir Frank Noyce :** I think a little later, but I should like to have notice of that question.

**Mr. K. C. Neogy :** When was it exactly that the Honourable Member realised the injustice done to this officer unless he were given an additional allowance ?

**The Honourable Sir Frank Noyce :** I must ask for notice of that question.

#### CURATOR IN THE GEOLOGICAL SURVEY OF INDIA.

219. **\*Mr. S. C. Mitra :** (a) What are the qualifications necessary for officers to hold the post of Curator in the Geological Survey of India and what are the Curator's duties ?

(b) Will Government be pleased to furnish a statement showing the succession list of Curators from 1920 to date, the number of years of actual service of each officer and the number of months he has actually spent in the field prior to his first appointment to this post ?

**The Honourable Sir Frank Noyce :** (a) The qualifications necessary for the post of Curator in the Geological Survey of India are a good knowledge of mineralogy, petrology and chemistry, together with the administrative ability and capacity for detail necessary to enable the officer to carry out his somewhat varied duties. The Curator is in charge of four large galleries in the Indian Museum, containing collections of minerals, rocks, meteorites and fossils, amounting in all to about 300,000 specimens. He identifies and reports upon a large number of ores and minerals for the public, superintends mineral and rock analyses, and gives advice on various mineral and economic enquiries submitted by the public. In addition, he is in charge of the entire building of the Geological Survey Department, in particular of the laboratory, and of the scientific instruments, chemical stores furniture and tents belonging to the Department.

(b) A statement is laid on the table.

*Statement showing the succession list of Curators in the Geological Survey of India from the 1st May, 1920 to date, the number of years of actual service of each officer and the number of months he actually spent in the field, prior to his first appointment as Curator.*

Name of officer.	Period of Curatorship.	Number of years of actual service prior to first appointment as Curator. (to nearest year).	Number of months spent in field prior to first appointment as Curator.	Remarks.
1. Mr. C. S. Fox ..	1st May, 1920 to 19th August, 1921.	9	46	
2. Mr. H. Crookshank ..	20th August, 1921 to 31st July, 1923.	1	3	
3. Mr. H. Walker ..	1st August, 1923 to 15th August, 1924.	3*	20	
4. Mr. G. V. Hobson ..	16th August, 1924 to 7th September, 1926.	3	19	
5. Mr. H. Crookshank ..	8th September, 1926 to 21st November, 1926.	(Vide	item 2).	
6. Mr. E. L. G. Clegg ..	22nd November, 1926 to 19th April, 1927.	6	51	
7. Mr. A. L. Coulson ..	20th April, 1927 to 31st August, 1927.	1	33	
8. Mr. A. K. Banerji ..	1st September, 1927 to 12th October, 1927.	18†	17	
9. Mr. A. L. Coulson ..	13th October, 1927 to 17th May, 1929.	(Vide	item 7).	
10. Dr. J. A. Dunn ..	18th May, 1929 to 8th June, 1930.	7	43	
11. Mr. H. Crookshank ..	9th June, 1930 to 26th June, 1930.	(Vide	item 2).	
12. Dr. J. A. Dunn ..	27th June, 1930 to 19th April, 1931.	(Vide	item 10).	
13. Dr. M. S. Krishnan	20th April, 1931 to 31st October, 1931.	6	37	
14. Mr. W. D. West ..	1st November, 1931 to date.	8	50	

\* Mr. Walker first acted as Curator in August 1907.

† Includes 14 years' service in non-gazetted appointments.

#### LECTURESHIP IN GEOLOGY AT THE PRESIDENCY COLLEGE, CALCUTTA.

220. \***Mr. S. C. Mitra** : (a) Will Government be pleased to state whether the lecturership in geology at the Presidency College, Calcutta, is usually held by the Curator of the Geological Survey? What is the idea with which this lecturership is given to an officer of the Geological Survey? Is Indian geology one of the subjects taught by these officers?

(b) Who were the officers who held this post from 1920 to date, showing against each his tenure of the lecturership, his actual service and the number of months spent in the field while in the department, his previous teaching experience, and his previous work in India, if any?

(c) Is it a fact that the lecturership was given to inexperienced junior Europeans when more experienced officers, European and Indian, were available in the department?



(d) Is it not a fact that the officer who was appointed as lecturer in 1925 was a mining engineer by training? What were his qualifications in geology for teaching the B. Sc. classes? Was this officer considered unfit for the post in 1924? If so, why was he appointed in 1925?

(e) Is it a fact that lecturers have been changed in the middle of the academic year? If so, have Government considered the disadvantages to students arising out of a change of lecturer in the middle of the year?

**The Honourable Sir Frank Noyce :** (a) Yes. The appointment is made by the Local Government on the recommendation of the Director who has usually but not invariably selected the Curator for the post. It is understood that Indian geology is one of the subjects in which instruction is given. The arrangement by which this part-time post was attached to the Geological Survey of India was based on grounds of economy and efficiency, but I may add that in view of the drastic retrenchments which have been made in the superior staff of the Survey, it has been arranged that the lectureship should in future be held by a retrenched officer selected by the Local Government if there is one available and suitable for the appointment.

(b) A statement is laid on the table.

(c) The most suitable officer of the Department available in Calcutta has been selected on each occasion.

(d) The officer selected in 1925 was considered fit in all respects by the authorities best capable of judging his qualifications.

(e) Yes, but only when the change was unavoidable. Government are aware of the disadvantages of such changes.

List of officers who held Presidency College Lectureship from 1920.

Name of officers.	Tenure of Lectureship.	Actual service before first taking lectureship.	Months spent in field before first taking lectureship.	Previous teaching experience, if any.	Remarks.
(1) Dr. C. S. Fox, Assistant Superintendent.	2nd July 1920—19th August 1921.	Y. M. D. 9 4 0	M. D. 46 14	1½ years lecturer on coal-mining, Birmingham University.	
(2) Mr. H. Crookshank, Assistant Superintendent.	20th August 1921—1st July 1923.	0 8 19	3 15		
(3) Mr. H. Walker, Assistant Superintendent.	2nd July 1923—15th August 1924.	*18 8 17	†41 9	Demonstrator in Geology, Royal College of Science, Londona.	* He was first appointed lecturer in July 1912 with actual service of 7 years and 8½ months. † Before first taking lectureship in July 1912.
(4) Mr. D. N. Wadia, Assistant Superintendent.	16th August 1924—21st June 1925.	3 4 0	25 27	Lecturer in the Prince of Wales College, Jammu.	
(5) Mr. G. V. Hobson, Assistant Superintendent.	22nd June 1925—7th September 1926.	3 7 24	19 13		
(6) Mr. H. Crookshank, Assistant Superintendent.	9th September 1926—21st November 1926.	(Vide item 2)	(Vide item 2)		
(7) Mr. E. L. G. Clegg, Assistant Superintendent.	22nd November 1926—31st October 1927.	5 11 21	50 25		
(8) Mr. A. L. Coulson, Assistant Superintendent.	1st November 1927—17th May 1929 (vacation up to 1st July 1929).	4 11 7	33 2	1 year Demonstrator in Geology, Melbourne University.	

Name of officers.	Tenure of Lectureship.	Actual service before first taking lectureship.	Months spent in field before first taking lectureship.	Previous teaching experience, if any.	Remarks.
(9) Dr. J. A. Dunn Assistant Superintendent.	2nd July 1929.—till the summer vacation which ended on 1st July 1931. From 2nd July 1931—31st July 1931, the post remained vacant. 1st August 1931—20th November 1931.	Y. M. D. 7 6 15	M. D. 43 11		
(10) Dr. M. S. Krishen, Assistant Superintendent.		6 7 13	37 10	Demonstrator in Geology, Presidency College, Madras. Part-time lecturer in the Forest and Research Institute, Dehra Dun.	
(11) Mr. W. D. West, Assistant Superintendent.	21st November 1931—To date.	7 11 9	50 0		

**SUPERINTENDENTSHIPS IN THE GEOLOGICAL SURVEY OF INDIA.**

221. \*Mr. S. C. Mitra : (a) Will Government be pleased to state the number of officiating vacancies in the selection grade (superintendentships) in the Geological Survey for each year from 1919 to date ? How many of these were filled by Europeans, Indians and statutory natives respectively ?

(b) How many Indians have held permanent posts as superintendents since the starting of this department ?

(c) What is the nature of the work of these officers during the field season and during the recess at headquarters ; how does their work differ from that of the Assistant Superintendents ?

(d) On what qualifications are officers selected for filling up vacancies in this grade ? Is it not necessary for superintendents to have wide personal knowledge derived from field work in the Provinces of which they are put in charge ?

(e) Is it not a fact that Mr. Hobson was in charge of Bihar and Orissa in 1929, Mr. Coulson in charge of Burma in 1931, and Mr. Clegg in charge of Bihar and Orissa in 1931 ? How many months of field work had these officers put in in their respective provinces before they were given charge of them ?

(f) Is it a fact that Government have sanctioned two officiating superintendentships during the last month or two ? Who are the officers so appointed and what are their substantive pay and officiating allowances respectively ?

**The Honourable Sir Frank Noyce :** (a) A statement is laid on the table.

(b) None.

(c) Superintendents during the field season carry out their own geological survey work and also supervise and co-ordinate the work of members of their parties. During the recess season they are employed *inter alia* in writing reports, in mapping and in scientific investigations arising from their field work. They also supervise similar work done by members of their parties. Assistant Superintendents are not in charge of parties and do not have to perform any administrative or supervisory work arising from such charge.

(d) The principal qualifications necessary for a Superintendent are a wide general knowledge of geology, as much experience as possible of different Indian geological formations and administrative ability. Provided that he has these qualifications it is not essential that he should have extensive previous practical experience of the Province in which his party may be working.

(e) (i) Yes.

(ii) Fifteen months, none, and 4 months, respectively.

(f) (i) The officiating promotions were made last May.

(ii) Messrs. Clegg and Coulson. Mr. Clegg's substantive pay was Rs. 1,000 per month plus £30 overseas pay and his officiating pay Rs. 1,800 plus £13-6-8 overseas pay. Mr. Coulson's substantive pay is Rs. 900 per month plus £30 overseas pay and his officiating pay is Rs. 1,500 plus £13-6-8 overseas pay.

*Statement showing the number of officiating vacancies in the grade of Superintendent, Geological Survey of India, for each year from 1919 to date, and how they were filled.*

Year.	Number of vacancies.	How filled.
1919	1	Unfilled.
1920	6	5 by Europeans. 1 by statutory native of India.
1921	2	1 by European. 1 unfilled.
1922	3	2 by European. 1 by statutory native of India.
1923	2	1 by European. 1 unfilled.
1924	2	1 by European. 1 by statutory native of India.
1925	3	2 Europeans. 1 by statutory native of India.
1926	2	1 by European. 1 by statutory native of India.
1927	4	3 by Europeans. 1 by statutory native of India.
1928	2	1 by European. 1 by statutory native of India.
1929	4	3 by Europeans. 1 by statutory native of India.
1930	3	1 by European. 1 by Indian.
1931	2	1 partly by European and partly by Indian 1 by European.
1932	2	1 by Indian. 2 by Europeans.

**Mr. K. C. Neogy :** Is it not a fact that the Geological Department of the Government of India has been in existence for about three quarters of a century and that during this period there has not been one single Indian as permanent Superintendent ?

**The Honourable Sir Frank Noyce :** That position will be rectified in the fairly near future in view of the fact I have mentioned, namely, that the European staff of the department has been very drastically depleted.

**Mr. K. C. Neogy :** And also because so many Indians have been put down to class II ?

(No reply was given.)

**Dr. Ziauddin Ahmad :** Have Government done anything to introduce the study of Geology in Indian Universities ?

**The Honourable Sir Frank Noyce :** That, Sir, is a question which should more correctly be addressed to the representative of the Education Department in this House.

**Mr. G. S. Bajpai :** I am prepared to answer that question even though notice has not been given. My Honourable friend who has had as much

experience of universities as anybody else in this House knows that universities are autonomous bodies and it is for them only to decide whether there shall be a geological side or not.

**Mr. B. Das :** Is it not a fact that the Calcutta University has got a course in Geology and also the Engineering College at Sibpur ?

**Mr. G. S. Bajpai :** I am greatly enlightened by the information which my Honourable friend has given.

**APPOINTMENT OF MR. DUNN AS OFFICIATING SUPERINTENDENT, GEOLOGICAL SURVEY OF INDIA.**

222. **\*Mr. S. C. Mitra :** (a) Between what dates in 1931 did Mr. Dunn of the Geological Survey officiate as Superintendent ? How much did he draw as substantive pay and how much as officiating allowance ?

(b) Is it not a fact that this officer was ill and irregular in attendance during this period ? On what date was this officer admitted into hospital for his illness ? How do Government justify the giving of an officiating post to an officer who was ill and attended office irregularly ?

(c) Is it a fact that this officer threatened to shoot or whip a post-master in Singhbhum district when he was on tour there ? Is it a fact that he was prosecuted in the Presidency Magistrate's court, Calcutta, for hitting a postal clerk in a post office in Calcutta ? What are the grounds for this officer holding a responsible position in the selection grade ?

**The Honourable Sir Frank Noyce :** (a). (i) Dr. Dunn officiated as a Superintendent from the 20th April to the 9th July in 1931.

(ii) His substantive pay as Assistant Superintendent was Rs. 750 plus overseas pay of £25. His pay as officiating Superintendent was Rs. 1,500 plus overseas pay of £13-6-8.

(b). (i) During May and June, 1931, Dr. Dunn was on occasions permitted to do his work at home owing to his incapacity to work in office regularly.

(ii) He was admitted into hospital on the 30th June, 1931, and took leave from the 10th July.

(iii) Up to the 10th July his illness was not so serious as to prevent him from discharging the duties of his post.

(c). (i) Government have no information.

(ii) Yes ; but he was acquitted.

(iii) He possesses the requisite qualifications.

**Mr. K. C. Neogy :** With regard to the date on which this officer was admitted to hospital, viz., the 30th June, has the Honourable Member found this date from the official records or from any inquiry made in the hospital ?

**The Honourable Sir Frank Noyce :** The date is the date reported by the Director of Geological Survey.

**Mr. K. C. Neogy :** How was this period between the 30th June and 10th July treated ?

**The Honourable Sir Frank Noyce :** As I have explained, Dr. Dunn was allowed to carry on his work during that period.

**Mr. K. C. Neogy :** Was he actually carrying on his work after he had been admitted to hospital on the 30th June ?

**The Honourable Sir Frank Noyce :** Yes, Sir. I may explain for the information of the House that the complaint from which Dr. Dunn suffered, and from which I had the misfortune to suffer myself, was not such as to incapacitate him from carrying on his office work.

**Mr. K. C. Neogy :** I wanted to know whether he was actually taken to be on leave between 30th June and 10th July.

**The Honourable Sir Frank Noyce :** I have explained that he was not on leave and he was allowed to carry on his work. The Director, Geological Survey, has reported to me that he was satisfied that he was doing his work during that period.

**Mr. K. C. Neogy :** When was this report made to the Honourable Member ? Was it after the question was asked or before ?

**The Honourable Sir Frank Noyce :** I understand before the question was asked.

**Mr. K. C. Neogy :** Do I take it that permission was obtained from the Honourable Member in regard to this matter before this officer was permitted to work while in hospital ?

**The Honourable Sir Frank Noyce :** No; the matter is entirely within the discretion of the head of the department, and I have no reason to believe that he exercised that discretion improperly.

**Mr. K. C. Neogy :** Has the Honourable Member satisfied himself that he actually worked while in hospital ?

**The Honourable Sir Frank Noyce :** As I have said, the Director, Geological Survey, reports that he is satisfied, and I have no reason to doubt either his discretion or his good faith in this matter.

#### FIELD-COLLECTORS AND MUSEUM ASSISTANTS IN THE GEOLOGICAL SURVEY OF INDIA.

223. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the nature of the duties, the pay and prospects of field-collectors and museum assistants in the Geological Survey ?

(b) Is it a fact that the present field-collectors and museum assistants possess as high academic qualifications as some officers in the gazetted grades ; that there are some officers in the grade of extra-assistant superintendents who possess no university training ; that one of the field-collectors has British university qualifications equal to those of some of the Assistant Superintendents ? If so, how do Government explain the anomalies ?

(c) Is it a fact that the duties of field-collectors necessitate their working in remote parts of the Indian Empire ; that they work under identically the same conditions and are exposed to the same risks and hardships as the gazetted officers ? If so, how do Government justify the very small allowances on which these men are expected to carry on their field duties ?

(d) Is it a fact that these officers have never been given any officiating posts in the respective higher grades, except in a solitary and special case very recently? Why are these subordinate officers treated in this way, while officiating vacancies in the selection grade are filled up?

(e) Are Government aware that the field-collectors, being non-gazetted, are not allowed the use of railway waiting rooms and dak-bungalows and are put to considerable other difficulties in camping because of their lower status and meagre emoluments?

(f) Is it a fact that field-collectors were formerly treated as second class officers while on tour? When and why was this concession withdrawn? Are Government prepared to consider their case and restore them the same concession?

(g) Is it a fact that field-collectors and museum assistants are often given the work of indexing publications, cleaning museum collections, etc., and that they are not given chances for mapping or engaging in other investigations in the field? If so, how does their present work fit them for field duties in the higher grades?

**The Honourable Sir Frank Noyce :** (a) The chief duty of Field Collectors, whose pay is Rs. 100—10—200—5—225 per month, is to collect geological specimens in the field. During the recess they assist the Curator in his routine work, mainly in connection with the Museum and laboratory.

The chief duty of Museum Assistants, whose pay is Rs. 75—5—150 per month, is to help the Curator to maintain the geological collections in the Indian Museum.

These officials are eligible for promotion to higher posts in the Department.

(b) The facts are roughly as stated by the Honourable Member. Academic qualifications are, however, not the most important factor in determining an officer's rank in the Department. There are more important factors such as proved capacity and meritorious service. I may add that the Field Collector with British qualifications mentioned by the Honourable Member is now officiating as Extra Assistant Superintendent.

(c) No Field Collectors have worked in any very remote area. Care is taken not to send them to areas in which travelling is unusually extensive. The allowances which are granted to them are governed by the general rules in force for officers of the same class and status.

(d) Yes. It has not been the practice to make officiating promotions from class III to class II or from class II to class I though substantive promotions from class to class have frequently been made.

(e) Government understand that these officials suffer no greater inconvenience than other touring officials of their status.

(f) (i) Yes.

(ii) In 1923, as a result of the general re-grading of Government servants for the purpose of calculating travelling allowance, Field Collectors drawing over Rs. 200 per month are still included in the second grade.

(iii) Government are not aware of any reason why these officers should be treated differently from others of the same class and status.



(g) Indexing is sometimes done by these officials, but the cleaning of collections is done by the menial staff. Field Collectors have frequently been given experience of mapping in the field by being detailed to accompany senior officers. Museum Assistants in the course of their work in the museum get opportunities of studying rock and fossils which they may afterwards have to collect in the field should they receive promotion.

#### POST OF CHEMIST IN THE GEOLOGICAL SURVEY OF INDIA.

224. \*Mr. S. C. Mitra : (a) Is it a fact that there is no chemist in the Geological Survey at present ? If so, when do Government propose to fill up the post ?

(b) Is it a fact that the Assistant Chemist carries on the work of the Chemist during the absence of the latter on leave ? If so, is he given any officiating allowance ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes. In accordance with the recommendation of the General Purposes Sub-Committee of the Retrenchment Advisory Committee, the post has been abolished and Government have at present no intention of reviving it. Arrangements have been made for important chemical analysis to be done outside the Department.

(b) During the absence on leave of the Chemist his work remained largely in abeyance. No question of officiating allowance, therefore, arose nor does it arise in present conditions.

#### ASSISTANT CURATOR IN THE GEOLOGICAL SURVEY OF INDIA.

225. \*Mr. S. C. Mitra : What are the duties and emoluments of the post of the Assistant Curator in the Geological Survey of India ? Is it a fact that this was formerly a gazetted post and that it was made non-gazetted when Indians were appointed to it ?

The Honourable Sir Frank Noyce : The Assistant Curator assists the Curator in his laboratory work. The pay of the post was formerly Rs. 250—20—350 a month, but was reduced to Rs. 150—10—250 in 1918 and the post was consequently made non-gazetted. Indians have held the post both before and after it became non-gazetted.

#### LIFE INSURANCE PREMIUMS OF CERTAIN STATE PRISONERS.

226. \*Mr. S. C. Sen : Are Government paying the premiums on the policies of insurance taken out by the following state prisoners during the period of their detention :—Messrs. J. M. Sen Gupta, Bar-at-Law, Sarat Chandra Bose, Bar-at-Law, Surendra Mohan Ghose, Arun Chandra Guha, Bhupendra Nath Datta, Monoranjan Gupta, and Bhupati Majumdar ?

#### LIFE INSURANCE PREMIUMS OF CERTAIN STATE PRISONERS.

†227. \*Mr. S. C. Sen : (a) In how many cases of State Prisoners detained under Regulation III of 1818 have Government received representations from them or on their behalf for payment of the premiums on the policies of insurance taken out by such State Prisoners ?

(b) Will Government please state their names ?

(c) In which of the cases are Government paying the same ?

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†For answer to this question, see answer to question No. 226.

**LIFE INSURANCE PREMIUMS OF CERTAIN STATE PRISONERS.**

†228. \***Mr. S. C. Sen** : (a) Is it a fact that until lately the invariable practice of Government has been to pay during the period of his detention the premiums on such of the insurance policies as may have been taken out by any State Prisoner ?

(b) If so, is it a fact that the policy of Government has since been changed ? If so, why and from when ?

**PAYMENT OF PREMIUMS ON LIFE INSURANCE POLICIES OF MR. SARAT CHANDRA BOSE, A STATE PRISONER.**

†229. \***Mr. S. C. Sen** : (a) What is the decision of Government regarding the payment of the premiums on the policies of insurance taken out by Mr. Sarat Chandra Bose, a State Prisoner ?

(b) Are Government making any distinction in his case as against the cases of other State Prisoners ? If so, why ?

**The Honourable Mr. H. G. Haig** : With your permission, Sir, I propose to answer questions Nos. 226 to 229 together.

Government are paying premia on insurance policies of all the State prisoners mentioned, but in the case of Mr. Sarat Chandra Bose they are paying only on one policy. Representations have been received on this matter on behalf of Mr. S. C. Bose and Government have given them their most careful attention. Comparatively small sums on account of insurance premia on policies of State Prisoners have been paid by Government in the past. The whole question was, however, recently examined most carefully by the Government of India in consultation with the Government of Bengal in connection with the case of Mr. S. C. Bose, who was insured for very large sums. The conclusions reached by Government were that insurance is a form of saving, and the continued payment of premia therefore adds to the value of the estate, and Government are not justified in utilising public revenue for this purpose. At the same time, it is right that Government should take such action as is reasonable to prevent damage that would otherwise occur to the estate by the non-payment of premia. The insurance policies of Mr. S. C. Bose were carefully examined on these principles and orders passed in accordance with what appeared to Government to be equitable.

**PURCHASE OF HAYMAN-MOHINDRA PUNCHING MACHINES BY THE EAST INDIAN RAILWAY.**

230. \***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state the total number of Hayman-Mohindra Punches purchased by the East Indian Railway ?

(b) Will Government be pleased to state the strength of Crewmen and Crew-in-charges at the time the said punches were purchased ?

**Mr. P. B. Rau** : (a) 2,500 were purchased in two lots. The second purchase of 1,500 was made after it had been decided to extend the Crew System to the whole of the East Indian Railway system, for which about 3,000 would have been necessary ; but as a matter of fact before the

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†For answer to this question, see answer to question No. 226.

intention to extend the system to the whole line was carried out, it was replaced by the system recommended by the Moody-Ward Committee.

(b) Crewmen	..	..	..	..	1,198
Crew-in-charge	..	..	..	..	177

**Mr. K. C. Neogy** : How many centuries are these punches likely to last the East Indian Railway since there seems to be a large number of them ?

**Mr. P. R. Rau** : I am not aware of the exact duration of the life of steel.

**Dr. Ziauddin Ahmad** : Are Government contemplating to shove these punches on to other State Railways ?

**Mr. P. R. Rau** : If other State Railways require them, we should certainly be pleased to use them.

**Mr. K. C. Neogy** : Have the superior merits of this punch been pointed out by the Honourable Member to other railways in India ?

**Mr. P. R. Rau** : The existence of a surplus stock of these punches has, I believe, been brought to the notice of other railways.

**Mr. K. C. Neogy** : With what results ?

**Mr. P. R. Rau** : None as yet.

**Mr. Gaya Prasad Singh** : Does that show the superior merit of this punch ?

**Mr. K. C. Neogy** : How many years will it require for the East Indian Railway to work off this surplus in the normal course ?

**Mr. P. R. Rau** : I am afraid I cannot make an estimate of that.

**Dr. Ziauddin Ahmad** : Are Government aware that the T. T. I.'s and T. T. E.'s do not like this punch as they cannot carry it in their pockets ?

**Mr. P. R. Rau** : I have received no information to that effect.

**Dr. Ziauddin Ahmad** : Is it not a fact that it is forced upon them against their will ?

**Mr. P. R. Rau** : I am not aware of that.

#### PURCHASE OF HAYMAN-MOHINDRA PUNCHING MACHINES BY THE EAST INDIAN RAILWAY.

231. \***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajih-uddin) : (a) Will Government be pleased to state :

- (i) the cost of each Hayman-Mohindra Punch complete with three refill tubes and one date box, and
- (ii) the total cost of all the punches complete with all the equipments ?

(b) Will Government be pleased to state if the said punches were purchased by the East Indian Railway with the sanction of the Railway Board and whether the Railway Board approved of them ?

**Mr. P. R. Rau** : (a) (i) Rs 97-11-3.

(ii) Rs. 2,43,632-13-0.

(b) The Agent sanctioned the purchase in the usual course on the recommendation of the departments concerned. The Board's approval was not necessary.

**Mr. K. C. Neogy** : Which is the department concerned in this particular matter ?

**Mr. P. R. Rau** : It must be the traffic department, I think.

**Mr. Gaya Prasad Singh** : What is the cost of each punch ?

**Mr. P. R. Rau** : Rs. 97 odd.

**Mr. K. C. Neogy** : What was the position occupied by Mr. Hayman at the time the department concerned actually came to this decision ?

**Mr. P. R. Rau** : I cannot answer that question off-hand ; but, to the best of my recollection, he was Director of Finance in the Railway Board.

#### MOTION FOR ADJOURNMENT.

#### LETTER OF MAHATMA GANDHI TO THE PRIME MINISTER INVOLVING MAHATMA GANDHI'S DECISION TO DIE.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Order, 12 Noon.  
order. I have received a notice from Mr. C. S. Ranga Iyer that he proposes to ask for leave to make a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows : The letter of Mahatma Gandhi to the Prime Minister involving Mahatma Gandhi's decision to die.

I am to inquire whether any Honourable Member has any objection to this motion.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official) : I oppose it, Sir, as it is quite unnecessary.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : He is more loyal than Government themselves.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Order, order. I should like to know from the Honourable Member whether he objects to this motion.

**Major Nawab Ahmad Nawaz Khan** : Yes, Sir ; I object.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : As objection has been taken, I would request those Honourable Members, who are in favour of leave being granted, to rise in their places.

**Sardar Sant Singh** (West Punjab : Sikh) : (To Major Nawab Ahmad Nawaz Khan) : You get up now, and make up for your faults.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Order, order.

(A large number of Members stood up in their seats.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : As not less than 25 Members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

## STATEMENTS LAID ON THE TABLE.

**Mr. P. R. Rau** (Financial Commissioner, Railways) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 832 asked by Dr. Ziauddin Ahmad on the 16th March, 1932 ;
- (ii) the information promised in reply to unstarred questions Nos. 263, 264 and 265 asked by Mr. N. M. Joshi on the 23rd March, 1932 ;
- (iii) the information promised in reply to part (b) of unstarred question No. 49 asked by Mr. N. R. Gunjal on the 13th February, 1932 ;
- (iv) the information promised in reply to part (d) of starred question No. 264 asked by Rai Bahadur Lala Brij Kishore on the 12th February, 1932 ;
- (v) the information promised in reply to unstarred questions Nos. 191, 192, 193 and 194 asked by Mr. S. C. Mitra on the 18th March, 1932 ; and
- (vi) the information promised in reply to starred questions Nos. 833, 834, 835 and 836 asked by Mr. S. C. Mitra on the 18th March, 1932.

### RE-EXAMINATION OF CERTAIN TRAVELLING TICKET INSPECTORS.

882. (a) The Divisional Superintendent, Allahabad, issued a circular in March, 1932 that all Travelling Ticket Examiners including the old Travelling Ticket Inspectors would be examined in the following month.

(b) The proposal to hold periodical tests for ticket checking staff to ensure that they have up-to-date knowledge of the rules pertaining to their duties was adopted at a meeting of the Divisional Commercial Officers of the East Indian Railway on 21st March, 1932 and has been approved by the Agent who has instructed all the Divisional Superintendents to give effect to it.

### EXCESS OF CIVIL ENGINEERS ON THE EAST INDIAN RAILWAY.

263. (a) 17 temporary engineers were engaged on the East Indian Railway during the last five years. None of them are at present, in service.

### PROMOTION OF SUBORDINATES IN THE CIVIL ENGINEERING AND TRAFFIC DEPARTMENTS, EAST INDIAN RAILWAY.

264. (b) The number of subordinates who were officiating as officers and have been reverted during 1931-32 in each Department of the Railway is as follows :

Operating Department	..	..	..	..	18
Mechanical Department	..	..	..	..	4
Stores Department	..	..	..	..	2
Electrical Department	..	..	..	..	1
Commercial Department	..	..	..	..	3
Engineering Department	..	..	..	..	3
Statistical Department	..	..	..	..	1
Medical Department	..	..	..	..	1
Printing Department	..	..	..	..	1
Total	..	..	..	..	34

(c) 5 Engineer officers were transferred to the operating branch to replace 5 of the subordinates officiating. The subordinates officiating in other branches reverted in the normal course due to permanent incumbents returning to their posts.

(d) The number is as follows as regards the subordinates who were officiating as officers in 1931-32 and were reverted :

Old E. I. Railway ..	26
Old O. & R. R. .. ..	4
Appointed since amalgamation ..	4
	<hr/>
Total ..	34
	<hr/>

(e) Of the 30 subordinates who were officiating as officers on the 1st April, 1932 :

19 were Europeans who all belonged to the old E. I. Railway.

7 were Anglo-Indians of whom 6 belonged to the old E. I. Railway.

3 were Hindus who all belonged to the old E. I. Railway.

In addition to the above, one European who was appointed after the amalgamation was officiating as an officer on the 1st April, 1932. There was no Muslim subordinate officiating as an officer on that date.

(f) This would depend on the number of vacancies. Government are unable to specify any time limit in this respect.

#### SUBORDINATES PROMOTED ON THE EAST INDIAN AND OUDH AND ROHILKHAND RAILWAYS.

265. (a) The number of subordinates officiating as officers (i) before amalgamation and (ii) in April, 1932 was as follows :

(i) Before amalgamation.

Old E. I. Railway ..	10
O. & R. Railway ..	1
	<hr/>
Total ..	11
	<hr/>

(ii) Combined system in April, 1932.

Old E. I. Railway .. ..	28
O. & R. Railway ..	1
Appointed after amalgamation	1
	<hr/>
Total	30
	<hr/>

(b) No. The second part of the question does not arise.

#### RECRUITMENT OF STAFF IN STATE RAILWAY ACCOUNTS OFFICES.

49. (b) (i) 29.

(ii) All of them have since been confirmed.

(iii) 30, these have been entertained only in a temporary capacity against permanent vacancies.

(iv) The seniority list is under preparation and expected to be ready shortly.

## COST OF DIVISIONAL ORGANISATIONS ON INDIAN RAILWAYS.

264.

Divisions.					Total Route Mileage.
	<i>Great Indian Peninsula Railway.</i>				
Bombay	..	..	..	..	193.62
Sholapur	..	..	..	..	492.62
Bhusawal	..	..	..	..	483.86
Nagpur	..	..	..	..	781.54
Jubbulpore	..	..	..	..	727.79
Jhansi	..	..	..	..	1,063.00
				Total	3,742.43
	<i>North Western Railway.</i>				
Delhi	..	..	..	..	941.9
Ferozepore	..	..	..	..	1,164.0
Karachi		..	..	..	1,073.9
Lahore				..	777.0
Multan		..	..	..	905.3
Quetta		..	..	..	1,020.3
Rawalpindi		..	..	..	1,209.0
				Total	7,091.4
	<i>East Indian Railway.</i>				
Howrah		..	..	..	653.44
Asansol		..	..	..	630.09
Dinapore		..	..	..	653.76
Allahabad	..	..	..	..	621.85
Lucknow	..	..	..	..	919.47
Moradabad	..	..	..	..	848.21
				Total	4,326.82

## DISCHARGE OF COMPOSITORS AND BINDERS FROM THE EAST INDIAN RAILWAY PRESS.

191. (a) Conditions of work could be termed as normal up to about June, 1930 after which demands showed signs of slackening and there was a continued decline up to about the end of the year. After that there was a serious shortage of work and this still continues.

(b) and (c). Yes.

(d) No. As a rule it is not possible to transfer men employed in one section of the Press to work in another. For instance compositors cannot work as binders and *vice versa*.

(e) Mr. Slater did not recommend any fixed number of binders or compositors. The sanctioned number is, however, 175 binders and 79 compositors. Against this 157 binders and 69 compositors are at present employed in the East Indian Railway Press.

(f) No. The services of only 7 compositors and 4 binders were terminated during March, 1931.

(g) Yes.

(h) Staff who could be most readily spared, were retrenched.

**APPEAL AGAINST DISCHARGE BY BINDERS IN THE EAST INDIAN RAILWAY PRESS.**

192. (a) Yes.

(b) No. Under Rule 10 of the "Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants", a copy of which is in the Library of the House, no appeal lies against an order of discharge made on reduction of establishment. The Printing Superintendent has powers to discharge such staff.

(c) No. Only two persons named Solomon Khan and Assiruddin submitted appeals.

(d) Yes.

(e) No.

(f) In view of the circumstances explained above, this does not arise.

**CUT IN PAY OF BINDERS, COMPOSITORS, ETC., IN THE EAST INDIAN RAILWAY PRESS.**

193. (a) Yes, under the Railway and Posts and Telegraphs (Emergency Deductions from salaries) Rules, 1931.

(b) All industrial employees, with the exception of 12 permanent compositors, are eligible for leave under Annexure II of the Government of India, Railway Department (Railway Board) Resolution No. 8373-E., dated the 20th February, 1930. In addition to this, they get 13 days shop holidays with pay. The 12 permanent compositors referred to above were employed by the East Indian Railway Company and are eligible for holidays under the Negotiable Instruments Act, in addition. No special early holidays with pay are permitted without the official sanction of the Agent, East Indian Railway.

(c) The ministerial staff are eligible for holidays under the Negotiable Instruments Act. The industrial staff are allowed the leave sanctioned under Annexure II of the Government of India Railway Department (Railway Board) Resolution No. 8373-E., dated the 20th February, 1930 with the addition of 13 days shop holidays with pay.

(d) Yes. With the decrease of work the amount of overtime necessary has also decreased, and consequently the earnings of the industrial staff.

(e) This is due to a less number of hours being worked owing to shortage of work.

(f) Yes. The position was examined on receipt of the memorial referred to and it was found that the complaint was not justified. The revised scales of pay were fixed on the basis of the earnings of men of similar classes in other Government Presses. In fixing the initial pay of each employee in the revised scales of pay, consideration was paid to the earnings of each man during the previous 12 months and they were given as initial pay the stage of the New Scale next above their former actual earnings on a 200 hour basis. They were in addition each granted an advance increment in the new scale from the 1st November, 1930 when that scale came into force.

(g) Yes. Prior to 1st November, 1930 the Press employees worked 35 hours a week and, after that date, 48 hours a week; the same as in other Government Presses in India. The revised monthly rates are calculated for 200 hours work, and overtime at an enhanced rate of 25 per cent. is paid for work beyond 200 hours.

(h) A temporary cut in pay has been applied to all State Railway employees as laid down in the Railway and Posts and Telegraphs (Emergency) Deduction from Salaries) Rules, 1931, published under the Home Department Notification F-414-34/31, dated the 17th March, 1932, and Government do not consider that there is justification for exempting the employees in question from this cut.



### DEDUCTIONS FROM PAY OF INDUSTRIAL EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS.

194. (a) The pay of all workshop employees, including those employed in the Kanchrapara workshops and in the workshops of the South Indian and Bombay, Baroda and Central India Railways, are subject to the Railway and Posts and Telegraphs (Emergency Deductions from Salaries) Rules, 1931, to the extent provided in paragraph 4 thereof.

(b) Government do not contemplate exempting the industrial employees of the East Indian Railway Press, Calcutta and Howrah from the cut in pay. They have not been subjected to short time working.

### APPOINTMENT OF INDIANS TO CERTAIN POSTS ON THE NORTH-WESTERN RAILWAY.

833. (a) Yes. It is reported by the Agent that suitable Indians other than Anglo-Indians, Christians and Parsis were, as a general rule, not obtainable for recruitment to such posts prior to 1923. Several of these posts, *viz.*, Foremen, other than Locomotive Foremen, Locomotive Inspectors and Shunters were, ordinarily filled by promotion from lower grades while certain others, *viz.*, Locomotive Foremen, Chargemen and Drivers were filled partly by direct recruitment and partly by promotion. Posts of Shedmen were filled by members of running staff who failed in eyesight but were otherwise considered fit for service.

(b) Yes. With a view to train educated Indians to enable them also to qualify for these posts.

(c) The information available is given below :

The number of Indians recruited during the last 3 years is as follows :

(i) Indian apprentices recruited for

	1929.	1930.	1931.
(a) Workshops .. .. .	20	17	12
(b) Boy Firemen, Grade III .. .. .	8	4	
Direct recruitment to the post of Boy Firemen, Grade IV was stopped from 9th August, 1927.			
(ii) Indian apprentices appointed as Firemen, grade III .. .. .	1	2	
(iii) Indian apprentices appointed to junior and senior subordinate services in workshops .. .. .	16	14	3

(a) Workshops .. .. .

(b) Boy Firemen, Grade III .. .. .

Direct recruitment to the post of Boy Firemen, Grade IV was stopped from 9th August, 1927.

(ii) Indian apprentices appointed as Firemen, grade III .. .. .

(iii) Indian apprentices appointed to junior and senior subordinate services in workshops .. .. .

(d) (i) Workshop apprentices on completion of their apprenticeship are not appointed automatically to junior or senior subordinate services of the Mechanical Branch for such appointments always depend on vacancies which are of late steadily on the decrease.

(ii) Boy Firemen Grade III who were due promotion to Firemen Grade III were promoted as Firemen either against vacancies or allowed to remain in service in excess of requirements to be absorbed in future vacancies.

(e) Yes. Attention is invited to the reply to part (d) (i) above.

(f) The system has been adopted of appointing suitable lads, the majority of whom are Indians, as apprentice Mechanics and Boy Firemen with a view to their appointment on completion of training and ultimate advancement to the posts stated in part (a).

(g) The total number of staff by all communities in the service mentioned in part (a) above (excluding Drivers, Grade III and Shunters, Grades IV and III in respect of whom the information is not readily available) is :

Europeans.	Anglo-Indians.	Indians.
251	199	185

**APPOINTMENT OF INDIANS TO CERTAIN POSTS ON THE NORTH WESTERN RAILWAY.**

834. (a) The information for 1923 is not available. On 31st December, 1929, the number of Europeans, Anglo-Indians and Indian Drivers, Shunters, Firemen and Boy Firemen Grades III and IV on the Lahore Division was as under :—

	Europeans and Anglo-Indians.	Parsees.	Other Indians.	Total.
Drivers Grade IV .. .. .	24	..	..	24
Shunters Grade IV .. .. .	11	..	..	11
Firemen Grade IV .. .. .	17	..	1	18
Drivers Grade III .. .. .	13	1	4	18
Shunters Grade III .. .. .	4	..	..	4
Firemen Grade III .. .. .	18	..	30	48
Boy Firemen .. .. .	10	..	7	17

The information for other Divisions is not available.

(b) and (c). There were no grades of Running Staff before 1st March, 1923.

The Running staff prior to that date were divided into

- (1) Europeans and Anglo-Indians ;
- (2) Parsees ; and
- (3) Indians.

From 1st March, 1923, the racial discrimination was removed and 4 Grades were formed for Running Staff, Grades III and IV were open to men of all creeds and nationalities provided they had the required qualifications.

(d) Number of Indian Boy Firemen or Firemen recruited in Grade III on Lahore Division during 1923—30 is 38.

Number of Indian Boy Firemen or Firemen recruited on Lahore Division in Grade IV during 1923—30 is 2 (in 1926).

Information in respect of other Divisions is not readily available.

(e) The purpose was to train Indians to qualify them for posts of Shunters and Drivers mentioned in part (a) above.

(f) The following is the detail of the staff recruited on Lahore Division during the period 1923—31 in the categories mentioned in the question :

	Boy Firemen Grade III IV		Firemen Grade III IV		Shunters Grade III IV		Drivers Grade III IV	
	III	IV	III	IV	III	IV	III	IV
Europeans ..	2	9	6	3	..	..	5	2
Anglo-Indians ..	5	7	11	5	1	..	6	..
Parsees ..	..	..	1	..	..	..	..	..
<b>Total ..</b>	<b>7</b>	<b>16</b>	<b>18</b>	<b>8</b>	<b>1</b>	<b>..</b>	<b>11</b>	<b>2</b>

The detail of staff who were promoted from Firemen in Grades III and IV to Shunters and Drivers on Lahore Division during the period from 1923—30 is as under :

	Shunters		Drivers	
	Grade III	Grade IV	Grade III	Grade IV
Europeans .. .. .	2	2	..	..
Anglo-Indians .. .. .	..	5	..	..
Christians .. .. .	..	..	..	..
Parsees .. .. .	..	..	1	..

The information is not readily available for other Divisions.

(g)	Shunters	Drivers.
Firemen .. .. .	1	..
Boy Firemen .. .. .	1	..

The information is not readily available for other Divisions.

(h) No period has been fixed for Apprentice Permanent-Way Inspectors and Apprentice Train Examiners to be appointed to posts of Permanent-Way Inspectors and Train Examiners as appointments to these posts depend on vacancies and on requirements. These remarks similarly apply in respect of promotion of Firemen and Shunters Grade III to posts of Shunters and Drivers in that grade.

Up to 31st March, 1930, Firemen recruited before 13th August, 1925, and Shunters appointed prior to 21st March, 1925, in Grade IV were promoted automatically to Shunters and Drivers in that grade on completion of the required term of service as Firemen and Shunters. From 1st April, 1930, on account of economy campaign the grant of such promotions were, however, stopped till further orders. In Grades I, II and III such promotions were not automatic.

(i) The total number of Drivers Grade IV on the North Western Railway on 31st December, 1930, was 182.

As regards other categories the information is not readily available.

Total number of Drivers Grade III, Shunters, Firemen and Boy Firemen in Grades III and IV employed on 31st December, 1930, on the Lahore Division is however given below :—

	Drivers Grade III	Shunters Grade III IV		Firemen Grade III IV		Boy Fireman Grade III IV	
Lahore Division ..	20	8	6	26	16	31	6

(j) As the information for the whole line is not readily available this question cannot be replied to but so far as future recruitment is concerned recruitment to Grade IV has as already stated been stopped.

#### PROMOTION OF FIREMEN, ETC., ON THE NORTH WESTERN RAILWAY.

835. (a) On the Lahore Division three Indian Firemen or Boy Fireman Grade III who were appointed during the period from 1923—26 were promoted to Shunters Grade III but due to the economy campaign the number of working posts was reduced and thus the men had to revert as Firemen.

Information about other Divisions is not readily available.

(b) Attention is invited to the reply given to part (a).

(c) No. Firemen and Shunters in Grade IV are not promoted to Shunters and Drivers against the vacancies in Grade III but due to reduction of establishment the surpluses in Grade IV are being utilised against Grade III vacancies.

Recruitment to Grade IV has been stopped since the 9th August, 1927.

(d) The information is not readily available.

PROMOTION OF FIREMEN, ETC., ON THE NORTH WESTERN RAILWAY.

886. (a) The reply is in the negative because appointments to posts of Shunters and Drivers Grade III depend on vacancies and on requirements from time to time.

(b) Firemen in Grade I can only be promoted to Shunters in that grade and as the pay of Shunters in that grade is lower than that of Firemen in Grade III, there can be no question of giving the latter a chance of promotion to Shunters Grade I.

(c) The rates of pay of Grade III Firemen, are substantially higher than those of Grades I and II not only of the class of Firemen but of Shunters and Drivers.

(d) Recruitment to Grade IV has since been stopped. Grade III is open to all without any racial discrimination and the system of appointing apprentices referred to in part (f) of Question No. 833 has been adopted with a view to throwing open Grade III Drivers to qualified Indians.

(e) Firemen Grade III being literate staff are provided with rule books which consist of the rules pertaining to their trades and which they are required to study thoroughly. In addition they gain experience by actual practice in their trade under instructions from the Drivers under whom they work. They are also at liberty to refer difficult questions to their Foremen who are available at every shed on the line. A form of Competency Certificate showing what they are required to learn before passing the Drivers examination is enclosed for reference.

(f) The reply is in the negative. The posts of Grade IV vacated by Europeans are not filled up on account of stoppage of recruitment. The vacancies in Grade III are given to the suitable deserving men without any racial discrimination.

(g) Attention is invited to the reply to part (a) of the Question.

As the information referred to in Questions Nos. 833—836 was of a detailed and elaborate a character only so much has been given as was available in Headquarters office. The collection of further details would have entailed a disproportionate amount of labour.

*Driver's Certificate of Competency, Loco. 84.*

N. W. Railway

\_\_\_\_\_ Father's name \_\_\_\_\_  
(if a native).

Grade \_\_\_\_\_ Age \_\_\_\_\_

Rate of pay \_\_\_\_\_

Service on the North Western Railway \_\_\_\_\_

Service on other railways \_\_\_\_\_

English.

Vernacular.

Educational abilities { Reading \_\_\_\_\_  
Writing \_\_\_\_\_

Passed by the medical officer at \_\_\_\_\_ for eye-sight and colour blindness  
(certificate attached).

Certified that I have examined \_\_\_\_\_ and that he has satisfactorily answered all questions put to him in—

- (a) the General Rules for Indian Railways in force, in regard to signals, line clears, the working of trains on the open line ;
- (b) the management of engines under steam ;
- (c) the course to be adopted in the event of various kinds of engine failures on the road.

I have carefully tested him with regard to the management and working of the vacuum brake, and I am of opinion that he possesses the necessary knowledge of how to use and take care of brake.

He has run \_\_\_\_\_ miles as a driver under the immediate supervision of European driver \_\_\_\_\_.

\_\_\_\_\_ Shed Foreman.

We, the undersigned, certify that to the best of our knowledge and belief the above candidate is thoroughly competent to take independent charge of an engine in the yard as shunter, and to work trains on the main line as driver.

\_\_\_\_\_ Station.

Dated \_\_\_\_\_ 193 .

\_\_\_\_\_ European Driver.

\_\_\_\_\_ Shed Foreman.

Certified that I have personally examined the above candidate and am satisfied that :—

- (a) he is conversant with the general rules of Indian Railways in force, regarding the working of trains on the open line ;
- (b) he is capable of managing and taking charge of an engine under steam.

\_\_\_\_\_ Station.

Dated \_\_\_\_\_ 193 .

\_\_\_\_\_ Divisional Rolling Stock Officer.

**The Honourable Mr. H. G. Haig** (Home Member) : Sir, I lay on the table the information promised in reply to part (b) of starred question No. 112 asked by Mr. S. C. Mitra on the 3rd February, 1932.

#### DESPATCH OF TROOPS TO CHITTAGONG AND ARREST OF ABSCONDERS.

112. *The Honourable Mr. H. G. Haig* : The total extra expenditure incurred up to the end of January, 1932, in respect of Military operations in Chittagong is about rupees one lakh and 37 thousand.

**Mr. G. B. F. Tottenham** (Army Secretary) : Sir, I lay on the table :  
 the information promised in reply to starred questions Nos. 352, 353 and 364 asked by Sirdar Sohan Singh on the 15th February, 1932 ;  
 the information promised in reply to unstarred question No. 80 asked by Mr. T. N. Ramakrishna Reddi on the 22nd February, 1932 ;  
 and  
 the information promised in reply to starred question No. 928 asked by Mr. Muhammad Anwar-ul-Azim on the 24th March, 1932.

#### REFUSAL OF THE EXECUTIVE OFFICER, LAHORE CANTONMENT BOARD, TO CONVENE A SPECIAL MEETING OF THE BOARD.

352. (a), (b), (c) and (d). The reply is in the affirmative.

(e) The provisions of the Cantonments Act, 1924, appear to have been misinterpreted by the Executive Officer. The Vice-President, in the temporary absence of the President, has the power to convene a special meeting of a cantonment board. The error will be pointed out to those concerned.

## LICENCES OF MEAT SELLERS IN LAHORE CANTONMENT.

353. (a) It was proposed to grant licences to three additional meat-sellers in pursuance of the policy of free trade advocated by the elected members of the Board.

(b) and (c). Yes.

(d) Yes. He considered, and the Health Officer agreed with him, that additional shops were not required and would render efficient sanitary control difficult.

(e) The answer to both parts of the question is in the negative.

## ACTION TAKEN UNDER SECTION 25 OF THE CANTONMENTS ACT BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT.

364. (a) Yes.

(b) No. The action was confirmed throughout by the Board and only one member dissented.

(c) The purchase of material for the tarring of roads was necessary in order to continue a sanctioned work in progress ; and the new construction work was necessary to prevent the recurrence of accidents owing to a deep drain being inadequately protected. In both cases an emergency existed and the requirements of section 25 were duly fulfilled. The demolition of an unauthorised building should strictly, have been done under orders of the Cantonment Board and not those of the Executive Officer, but the action of the Executive Officer was based on a long standing practice. The position has been explained to the Cantonment Authority of Ambala and it is understood that the practice has been discontinued. The issue of licences to travelling cinemas was authorised under the provisions of section 124 of the Cantonments Act. The application of Section 25 was unnecessary and the section was quoted in error.

## EMPLOYMENT OF CLERKS FOR CHECKING ACCOUNTS ON MILITARY DAIRY FARMS.

80. (a) No, but in 1930 a senior officer of the Farms Department went on leave, and instead of posting another officer in his place, a senior clerk was employed to carry out some of the periodical inspections of accounts and daily issues in the area, which extends from Ambala to Peshawar and Quetta. The object of these inspections was to ensure that the various orders issued by the Circle Officer about books and issues were correctly carried out. The inspections were in no sense audit checks and have now been discontinued. The Military Accounts Department carries out periodical audits of the accounts of Military Dairy Farms.

(b) Rs. 668-3-0.

## QUALIFICATIONS AND COMMUNITIES OF ENGINEERS IN THE MILITARY ENGINEERING SERVICE.

928. Assistant Engineers—None.

Sub-Divisional Officers—Two Hindus and two British warrant officers.

## THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Further consideration of the motion moved by Raja Bahadur Krishnamachariar.

**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhammadan Rural) : Sir, I beg to resume my speech on Raja Bahadur's Bill on which I spoke at some length on the last occasion. I began by saying that the author of the original Bill, Diwan Bahadur Sarada, is innocent of the Sanskrit language and, therefore, of Sanskrit shastras. I refrained from substantiating the first point that day, because I was given to understand

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that Diwan Bahadur was coming to-day, and I thought that it would be more fitting if I substantiated my point in his very presence, but as he has persisted in absenting himself.....

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran : Non-Muhammadan) : No, no, he is not persisting in absenting himself, but he is sick.

**Pandit Satyendra Nath Sen** : Anyhow, he is not in his seat here.....

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The Chair would like to know what the Sanskrit knowledge of the Mover of the original Bill has to do with the present motion.

**Pandit Satyendra Nath Sen** : I beg most respectfully to submit, Sir, that he gives his translations from mere hearsay and Sanskrit texts are manipulated by him according to his own will.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : That is not the question before the House now. The Bill was placed before the House and became an Act of the Legislature. The Honourable Member wishes to amend it. He can bring forward all relevant arguments he likes in support of his view. He cannot deal now with the knowledge of Sanskrit of Honourable the Mover of the original Bill.

**Pandit Satyendra Nath Sen** : Very well, Sir. I shall leave the first point and try to expose the hollowness of his knowledge of the Sanskrit shastras and their translations which he presented before the House and misled the Honourable Members. Last time I quoted some Sanskrit authorities from Manu, Yajurveda and other authors, and I had not finished when our attention had to be diverted to another subject. I think, considering the gravity of the question, I would be justified in making some more quotations on that point. Now, this is from Samvarta, slokas 66 to 68. The first verse is :

*"Ashta-varshā bhavet Gaurī Nava-varshā tū Rohini  
Dasa-varshā bhavet Kanyā ata ūrdhwam Rajaswala".*

While speaking on the original Bill, Diwan Bahadur Sarda informed the House that this verse is not to be found in any of the Hindu shastras except in the Tantras, but as a matter of fact this verse does occur in Samvarta as well as in Parashara. The next verse in Samvarta is :

*"Mātā chaiva pitā chaiva jyeshtho bhrātā tathaiva cha  
Trayaste narakam Yānti drishtvā Kanyām rajaswalām."*

And the next one is :

*"Tasmād vivāhayet kanyām yāvannartumalī bhavet,  
Vivāhoshtama-varshāyāḥ kanyāyāstu prasasyate."*

The meaning of this is that the father of the guardian must marry the girl before she attains her puberty, and the marriage of the girl at the age of eight is most commendable.

Then I come to Parashara—VII. 6-8. His verses are almost identical with those of Samvarta.

Vyasa says (II. 7) :

“Yadi sa dātri-vaikalyād rajah paśyet kumārikā  
Bhrūna-hatyāścha yāvatyah patitah syat tadapradat.”

“If through the latches of the giver the girl menstruates before marriage, the giver is guilty of infanticide, and he becomes fallen.”

**An Honourable Member** : Then he should be hanged.

**Pandit Satyendra Nath Sen** : That will depend upon the decision of the House.

Then again, Sankha says (XV. 8) :

“Pitri-vesmani kanyā yā rajah pasyatyasamskritā  
Tasyām nritāyām nāsaucham kadāchidapi sāmyati.”

That means that if a girl menstruates before marriage, and then dies, the unclean period due to her death lasts for ever, i.e., it is a great sin.

**Mr. Gaya Prasad Singh** : Is the Honourable Member convinced of the authenticity ?

**Pandit Satyendra Nath Sen** : Certainly, there is no doubt about it at all. They are unanimous in their decision.

Then I quote from Gautama (ch. XVIII). The Sampradana (the ceremony of giving away) must be performed before menstruation ; one who has not given his girl in marriage before menstruation is a sinner.

Sir, I do not wish to tire the patience of this House by quoting all the shastras, but I shall rest content with only giving the names and references to the other shastras. Similar texts occur in Vasishth, Mahabharata..... (*An Honourable Member* : “We want the slokas also.”) If Honourable Members insist on having all the slokas I have no alternative. I have got the works with me. (*An Honourable Member* : “Go on in your own way.”) Then I shall only give the references and Honourable Members may find out the slokas for themselves. The authorities are :

*Vasishtha Ch. 17 ; Mahābhārata, Anu-sāsana 44, 14 ; Bandhyana IV-1 ; Nārada 12-27 ; Gautama Grihya VIII ; Gobhila III.4.1-6 ; Hiranya-keshi I-6 19—22 ; and Pāraskara I-4.16.*

(*An Honourable Member* : “Is that all ?”) There are others also.

Sir, I was glad that last time some Honourable Members confessed to me that they were convinced of the true shastraic view of the question but what they wanted was that they should move with the times. I thank them for their candid expression because their position is more intelligible to me than that adopted by my Honourable friends, the reformers of the day, (*An Honourable Member* : “Including Mr. Gayan Prasad Singh”), of course, who want to mislead the unwary public in blind imitation of western ideas. One of my Honourable friends who



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had the privilege of serving on the Age of Consent Committee challenged my statement and said, "Do you think that nine Indians sat together and arrived at a wrong conclusion?" My reply was, or rather will be, that my Honourable friend does not know that mere numerical strength has no value. I said something last time about voting and I repeat the same thing to-day that not to speak of nine, even nine-thousand people not conversant with the subject would not do better. Our shastras say that in matters of religion the words of even a single individual conversant with the subject are to be regarded as more authoritative than those of ten thousand ignorant men who do not know what they are talking about. The text is :

*"Ekopi vedavid dharmam yam vyavasyed dwijottamah  
Sa vijneyah paro dharmah nājnānām ayutoditaih."*

(An Honourable Member : "Please translate it.") I have given it already. (Mr. B. V. Jadhav : "Where does it occur?") Reference is to Manu Chapter 12, verse 113. (Mr. B. V. Jadhav : "What is the verse?") This is the verse :

*"Ekopi vedavid dharmam yam vyavasyed dwijottamah  
Sa vijneyah paro dharmah nājnānām ayutoditaih."*

(Laughter.) Sir, some Honourable Members are laughing because laughing is their special privilege. (An Honourable Member : "What is the use of laughing? They do not understand Sanskrit.")

Of all the members that served on the Age of Consent Committee Pandit Kanhyalal seems to have been a bit familiar with the shastras, but in vain does the Pandit introduce Vedic verses and say, "The Vedic texts lay down no specific age for marriage". The Pandit does not know that those texts are mostly invocations to deities and not injunctions. The injunctions are to be found in Grihyasutras such as those of Gobhila, or Paraskara or Hiranyakeshi, whom I have just mentioned, as well as Dharma Sastras and Sanhitas, such as the works of Manu, Yajnyavalkya, Parasara and so forth, to all of whom I have referred just now. The Pandit goes on to say.

"They, however, indicate that in early times a marriage was essentially a union of two persons of full development...."

He quotes some verses, Vedic verses, in support of his contention which, according to his interpretation, indicate the existence of late marriages in those days, but that does not deny the existence of early marriages as well. He then refers to marriage-mantras and remarks :

"None of these hymns could have been applicable, if the young bride was a child, incapable of bearing children and unfit to discharge her duties as a wife and as the 'queen' or mistress of the household."

But, Sir, I would like to characterise this statement as rather puerile because everybody knows that a Brahmin boy is invested with the sacred thread and is initiated into a particular mantra at the age of 8 and sometimes even at the age of 5. Are we to understand that that little boy is in a position to realise the spirit of that mantra? Then he goes on to say :

“ The Smritis, on the other hand, generally recommend the marriage of girls before puberty.”

Sir, we find that expressions like “ on the other hand ”, “ but ”, and so forth, abound in his note because he finds discrepancies at every step. This is simply due to the fact that he has failed to catch the true spirit of the shastras which are entirely at one with another. He says :

“ Jaimini recommends a girl, who is *Anagnika*, or one who has developed a feeling of modesty about her person. Gobhila recommends that an infant girl (*Nagnika*) was the best for marriage ; but he forbids the consummation of the marriage till the girl has developed the signs of maturity ”.

We should take note of words like “ but ”, “ on the other hand ”, and so forth, I do not know why he uses the word “ but ” here, because marriage is one thing and consummation is altogether a different thing. He goes on to say :

“ Gautama recommends marriage before puberty in clearer terms and condemns the father, who does not give her in marriage before puberty. Manu merely says, ‘ Reprehensible is the father, who does not give his daughter in marriage at the proper time ; reprehensible is the husband, who does not approach his wife in due season ; and reprehensible is the son, who does not protect his mother after the death of her husband.... ’ Manu goes on to say that if a suitable husband cannot be obtained, it would be better that the girl should remain unmarried even after attaining puberty for the whole of her life than that she should be married to one, devoid of good qualities ”.

Quite right, but these people are not insisting on the postponement of marriage on this particular ground. If that were their ground, our objection would have taken a different turn. He further says that if a father has neglected to arrange for the marriage of his daughter for three years after the attainment of puberty, the girl has a right to select a husband for herself. Yajnavalkya considers the father sinful, if he does not give his girl in marriage after she attains puberty. This is not true. Manu explicitly says that if the girl selects a husband herself after waiting for three years of her attaining puberty, no sin attaches either to her or to the person who marries her. This is a wrong view of the case. This sin is not the sin in respect of late marriage but the sin of over-riding her father’s claim and taking the responsibility upon her own shoulders.

Parashara and a few others, *on the other hand*, consider that a person, who marries such a girl, should be considered degraded and unfit to be spoken to or to dine with, though they do not regard such a marriage as invalid.

I would ask my Honourable friends Dr. Gour and Mr. Sarda to take note of this confession.

Of all persons who spoke on the original Bill during the last debate, Mr. Jogiah seems to have a smattering of Sanskrit but he seems to have specialised in giving wrong interpretations of Sanskrit texts and sometimes he makes imaginary quotations too. He quotes 35|4 of Rig Veda :

*Tamasmerū yuvatalo yuvānam*

*Marmrjyamānāha pariyanī āpaḥ.*

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The verse means that waters surround and decorate Fire as a young maiden (or a young lady according to Mr. Jogiah) does a youth. This verse was addressed to a deity called Apamnapat which is the name of a particular phase of Agni or fire. There is nothing wrong in this. The simile contained in this is nothing but a simile in passing. The translation given by Mr. Jogiah is this : A yuvati shall take as her husband a yuva just as rivers take to the ocean. Wherefrom does he get this injunction that a yuvati shall take as her husband a yuva. This is foreign to the verse. Then, he quotes another verse :

*Vadhūriyam patimichchayanti eti.*

which means “ ‘ The woman goes desiring a husband ’. This lends support to what is previously stated because no female goes desiring a husband unless amorous desires spring in her, i.e., after puberty ”.

But, Sir, a desire can certainly be present in a girl of 11 or 12 years. Of course it cannot be present in girls who are too young and Honourable Members must remember that our shastras are against the marriage of girls who are too young. But, Sir, that is not the only point. This verse was addressed to a deity called Indra and the meaning is that Indra's wife desirous of the company of her husband is coming to the sacrificial ground. That is the meaning of this and yet so much fuss has been made of this verse.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : On a point of order. Is the Honourable Member entitled now to refute arguments in speeches delivered in previous sessions of the Assembly ?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : So far as they are relevant to the issue now before the House.

**Pandit Satyendra Nath Sen** : Sir, I thank you for your ruling. My position is that lots of rubbish were heaped on the subject by previous speakers and it is only desirable that they should be removed fully so that, whether we gain or lose this time, some abler man may come and utilise these materials more successfully.

**Mr. S. C. Mitra** : You maintain that it was irrelevant ?

**Pandit Satyendra Nath Sen** : These issues were raised and discussed by previous speakers. (Interruption by Sir Hari Singh Gour.) If Honourable Members do not like me to continue.....

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : On the last occasion the Chair drew the attention of the Honourable Member to the fact that the Bill proposes that certain communities in India should be exempted from the operation of the Sarda Act. The Honourable Member's whole speech appears to be directed against the Act as a whole. The Mover does not want that the Act should not apply to the communities other than those he has mentioned in his Bill. The Chair drew his attention on the previous occasion to that aspect of the question and still the Honourable Member goes on arguing that the whole Bill is wrong. The points relevant to the discussion are these. The Act may

be good, bad or indifferent so far as other communities are concerned but it should not apply in future to the specific communities mentioned in the Bill and if the Honourable Member will restrict himself to that issue he will be perfectly in order.

**Pandit Satyendra Nath Sen :** The total repeal of the Bill is the thing which is really desired, and I think this amendment is tantamount to a repeal because.....

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member will have to accept the ruling of the Chair. The Bill does not propose to repeal the Sarda Act. It merely wants that certain communities specifically mentioned should be exempted from the operation of the Act. The Honourable Member can argue on religious or shastric grounds that this Act should not apply to those communities. Then he would be relevant but he is quite out of order in going into the whole aspect of the Sarda Act as it applies to all communities.

**Pandit Satyendra Nath Sen :** Very well. I shall not press this point further and shall pass on to the next point. Sir, I have already informed Honourable Members that our Shastrakars are against the marriages of girls who are too young. The authoritative text on that point is :

*Sapta-samvatsarād ūrdhvam vivāhah sārva-varmikah.*

“ Amongst all castes, the marriage of a girl should take place after she attains the age of 7 ”, that is—not before the age of eight.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Will that apply in the case of all Hindus or only in the case of Brahmins ?

**Pandit Satyendra Nath Sen :** Well, that is the general rule.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Please go on.

**Pandit Satyendra Nath Sen :** Sir, if the proper view of marriage is taken, then our reformer friends will absolve us of the charge of early marriage in the true sense of the term. We never advocate real early marriage. Sir, marriage, according to the Hindu shastras, is nothing but a mere act of “ sampradan ” or giving away, or mere betrothal. The ceremony of consummation is an altogether different sacrament and comes later. Our reformer friends who are more familiar with Western ideals than their own confuse the two things, and that is the root of all this difficulty. The only charge that can be laid at our door will be that we hold that the ceremony of consummation *should* be performed on the attainment of puberty and should *not* be delayed further. As to that, I cited some authorities on the last occasion—including the view of Dr. Green-Armytage, the greatest obstetrician in India. I shall now quote some further opinions on the subject and I shall base my statements on the Census Report of 1921. The infantile mortality of Upper Burma is 215 per thousand amongst males and 192 amongst females, and that of Lower Burma, 244 amongst males and 221 amongst females. It is further found that in Chili the

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infantile mortality is 315, in Russia 245, and in Hungary 204, whereas in India it is 212 amongst males and 199 amongst females ; that is to say, the general average of infantile mortality is about 205 only. Sir, in spite of the general prevalence of early marriages in India, the percentage of feminine mortality to male mortality are 89 in Bihar and 91.2 in Bengal as against an average of 90.5 in Europe. Thus we find that in Bihar, which is the most-early married part in India, the female mortality as compared with males is better than the average in Europe. We also find figures given on page 302 of the said report showing that the percentage of feminine mortality even in Bengal is considerably lower than that in Scotland and Ireland. Sir, while talking about these mortalities, we should always remember that recurrent floods and famines play not an unimportant part in them in India, but in spite of that the results are certainly encouraging. I shall now, Sir, quote some authoritative opinions on the subject. In doing so I should like first of all to refer to an Indian authority, namely, the Susruta Samhita, which has been the subject of some misconception. It was referred to by my friend, Mr. Gaya Prasad Singh, and some other Members also on the previous occasion. Speaking of physiological growth, Susruta says :

*"Pancha-vimse tato varshe pumān nāri tu shodase*

*Samatwāgata-viyan tu jānīyī kusalo bhishak"*.

"A man is fully developed at the age of 25, and a woman at the age of 16."

This has reference only to physiological growth. As to reproductive growth, he has said something else :

*"Athāsmāi pancha-vimsati-varshāya dvādasā-varshām patnīm āvāhet."*

"A man of 25 should marry a girl of 12."

Now why is it that he has prescribed these two ages,—25 and 12 ? The reason are :

*"Ūna-dvādasā-varshāyām aprāputah pancha-vimsatim*

*Yadyādhātte pumān garbham kukshisthah sa vipadyate.*

*Yāto vā na chiram jivej jivedvā durvālindriyah*

*Tasmād atyanta-vālyām garbhādhānam na kārayet."*

"A man of 25 should not beget an issue on a girl below 12, because if he does that, there will be an abortion. The child will not live. And if he lives at all, he will not live long, and if he lives long, he will be a weakling."

Sir, the current reading is :

*"Ūnashodasā" (below 16) in place of "ūnadvādasā" (below 12).*

The edition from which I am quoting was published from Bombay in the year 1915, that is to say, long before this agitation began, and the Editor says this in a foot-note, viz. :

*"Unadvādasā-varshāyām iti hasta-likhita-pustakasthah pāthah."*

Although I have adopted the reading of "Shorasha", the reading in all the hand-written manuscripts is "Divadasa". And, Sir, in a copy of the Susruta Samhita published from Calcutta, although the reading in the text is "16", the reading in the commentary—the

standard commentary—is “ 12 ”. Therein lies the beauty of the confusion and there are innumerable evidences in the Susruta Samhita itself to show that Divadasa must be the correct reading, because Susruta gives almost the daily routine after the girl menstruates and he prescribes cohabitation on the day when she takes her bath, but he never says that cohabitation should be delayed by four years. Rather, he says in the clearest terms that, after taking her bath on the conclusion of the menstrual period, she should see the face of her husband so that she may give birth to a son resembling her husband. Now, this presupposes the existence of the husband. Now I shall quote a few lines from a Western scholar, without which our reformer friends will not be satisfied. In “ Hymen ” Norman Haire says :

“ At this age normal youths and maidens are ripe for mating. Puberty has ensued as a direct result of the increased activity of the gonads—the boy or girl is now an adult.”

Marks the words “ the boy or girl is now an adult ”.

“ Mating *should* occur without further delay.”

Mark the word “ should ” which is in the author’s own italics.

“ Mating *should* occur without further delay.”

That is, as soon as they attain puberty.

“ Long postponement of normal sexual activity may lead to physical and mental ill-health, to a continuance of autocratic activity (*which in the adult is an unsatisfactory substitute for normal sexual intercourse, and which, if persisted in too long, may even lessen the person’s fitness for normal mating*), or to various forms of sexual aberration.”

**Mr. S. C. Mitra :** How does it help your argument ?

**Pandit Satyendra Nath Sen :** Why not ? It is prescribed at the age of maturity.

**Mr. S. C. Mitra :** To marry without delay. That is the point here.

**Pandit Satyendra Nath Sen :** You have missed the previous lines. His prescription is that mating *should* occur without further delay.

**Mr. S. C. Mitra :** Of adults and not of girls of eight years of age.

**Pandit Satyendra Nath Sen :** I am not speaking on behalf of girls of eight years of age : I am speaking about girls who have attained the age of puberty.

Now, Sir, a word to my Rajput friends. I am sorry my Rajput friend Mr. Gaya Prasad Singh is not in his seat now. My friends are under the misconception that amongst the Rajputs late marriage is the custom and that is prescribed by the shastras. Sir, I do not deny the existence of late marriage in their society. It is simply due to the fact that Gandharva form of marriage is especially sanctioned for Kshatriyas. But that does not deny the existence of early marriage in that society. As a matter of fact, early marriage was the normal course. I ask them at what age was Sita married to Ramchandra ? She was junior to Ramchandra by seven years. When asked by Viswamitra to part with Ramchandra for the destruction of the demons Dasaratha said that Ramchandra was below 16 (*i.e.*, 15) and therefore he was not prepared to part with him. We know also that when Sita was speaking to Ravana she said that Ramchandra was

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at that time 25 years of age and she was 18 years old. So, at the time of marriage Sita was 8 years old, because Ramchandra was asked by his father to accompany the sage Viswamitra at the age of 15. Now, I ask my Honourable friends whether they will imitate Sita or Mayo, Ramchandra or Sarda ?

I now turn to the social side of the question. The one hackneyed argument against early marriage is that it will swell the number of young widows. Sir, I beg to submit that this argument will not weigh much with the orthodox Hindus who believe that the acts done in the previous births of an individual have got much to do with the shaping of his destiny. If there are some Honourable Members who are not prepared to subscribe to this view, then I shall have to begin with the a, b, c of Hindu philosophy. But I am afraid I shall not have enough time to do so in this House. The figures supplied by Mr. Sarda himself during the last debate show that the number of young widows between the ages of 1 and 15 is 3,36,000 ; so the number of widows below 14 years will be about 3 lakhs. We are very anxious about these 3 lakhs out of a total population of 24 crores of Hindus. The number of widows between the ages of 15 and 30 comes up to 23 lakhs or over. What are you going to do about them ? (*Mr. B. V. Jadhav* : They should be allowed to re-marry.) I think our attempt to decrease the number of widows below 15 will perhaps increase the number of widows above 15. This is, of course, according to the plain arithmetical calculation and we know that these calculations do not stand because the society is not a static body but a dynamic body and one change in the existing conditions will perhaps change the whole thing materially, and all our calculations will fall through. However, looking to the conditions prevailing in other countries, I am afraid, that any attempt to oppose early marriage will increase the number of abortions. I should like in this connection to quote a few lines only from such persons as are in a position to speak on the subject from their personal experience. This is from John Cowan :

“ Nowhere in the history of the world was the practice of abortion so common as in this country (*namely, America*) ; in New England alone, many thousand abortions are procured annually ”—*Science of a New Life*—The following is from Dr. Edith Hooker—“ In the course of one year in Baltimore city more than one thousand little girls under the age of 12 years were found to be the victims of unscrupulous men.”—*Laws of Sex*.

Then, from Dr. Lowry :

“ One who has not been in close contact with the girls of this age, cannot realise the extent of immorality among them. Formerly it was considered that only boys sowed wild oats. Now we find many girls do the same also.”

This is from Justice Benn Lindsay :

“ Hundreds resort to the abortionist. I do not guess this. I know it.”

I may be allowed to quote a few lines more from two more authorities. This is from “ *Studies in the Psychology of Sex* ” by Havelock Ellis :

“ The age of sexual maturity occurs much earlier, both physically, as well as psychically, and is determined in women by a very precise biological event, the completion of puberty on the onset of menstruation. Among peoples living under natural conditions in all parts of the world, it is recognised that a girl becomes sexually a woman at puberty ; at that epoch she receives her initiation into adult life and becomes a wife and a mother. To declare that the act of intercourse with a woman who, by the natural instinct of mankind generally, is regarded as old enough for all the duties of womanhood is a criminal act of rape, punishable by imprisonment for life, can only be considered an abuse of language ”.

The following is from Ellen Key :

“Never do greater possibilities exist for the happiness both of the individuals and of the race than in a love which begins so early that the two can grow together in a common development ; when they possess all the memories of youth as well as all the aims of the future in common ; when the shadow of a third has never fallen across the path of either.

If this wonderful love were really the first and only one which fell to the lot of every young man and woman, and were it always possible for them to realise it at the right time then there would neither be a problem of morality nor of divorce.”

Sir, I now come to the political aspect of the question. We are now passing through a political unrest unprecedented in the country. The Government have estranged the feelings of a very large number of people who have now joined the civil disobedience movement. Only the orthodox people were hesitating because they are averse to rise against their King whom they look upon as the custodian of their religious liberty. At this critical juncture, Government thought fit to identify themselves with the reformers and to penalise the religious practices of the loyal Indian subjects. Orthodox people are being harassed for their predilection to their religious injunctions which are certainly more salutary than the “*Delhika laddu*” brought in by the reformers who always imitate Western fashions and customs. The Government cannot disown their responsibility in this matter because it was with their support that the original Bill was passed. It is not a fact that the Act is a dead letter. Hundreds are being convicted and thousands are being harassed. Blackmailing is going on in full swing. If Government would persist in thrusting upon the orthodox Indians their own manners and customs, the result will be disastrous and the whole country will flare up into revolt. This is what we read in *The Revolt of Asia* by Upton Close :

“All Asia has flared into revolt against the dominant white man. The revolt takes three main phases. It is against the white man’s political rule, the imposition of his culture and religion and, most deep-seated of all, his arrogant assumption of social superiority.”

Sir, I should request the Honourable the Home Member to take a timely warning and try to rally round the orthodox Indians. Let the young men and young women be married at the proper time so that they may turn their attention to domestic affairs and not find time to join the civil disobedience movement. About 90 per cent. of the young prisoners, including the terrorists, unmarried, and I think this pernicious Sarda Act is partly responsible for this, because it keeps these young brains idle and encourages their evil propensities. I would have made a special request to the Honourable the Law Member, but I am sorry he is not present in his seat. Before I resume my seat, I would ask one question point blank to my unorthodox friends who are the supporters of the Sarda Act. On what ground or grounds will they still support the Sarda Act ? On shastric grounds ? I have quoted shastras in my favour. On medical grounds ? I have quoted authoritative opinions on the subject. On social grounds, I have given my arguments. Then what else ?

**An Honourable Member :** On common sense.

**Pandit Satyendra Nath Sen :** That is not above all these. I know this is due to nothing else than a tendency for blindly imitating Western manners and customs. These people are obsessed with the idea that everything Western is worth imitating. They forget that the Western societies



[Pandit Satyendra Nath Sen.]

are still passing through an experimental stage. Ours is a civilization which is perhaps the most ancient in the world. We have got nothing to learn from them. As a reply to the mistaken mentality of my heterodox friends I would quote the words of that eminent Orientalist, the late Sir George Birdwood, K.C.I.E., C.S.I., LL.D., M.D., M.R.C.S., Laureate of the French Academie, Legion of Honour, etc., who writes in his book entitled "SVA", with a wealth of ennobling sympathy and a fund of chastening humility, born of true knowledge :

".....To these, the four Varnas, 'colours' or 'castes' I dedicate this book, in testimony of the affection that glows within my heart for my motherland 'Sri Bharata' and its sacrosanct people....."

"...the outward and visible charms of these fair Chitpavnis (Maharatta Brahman women) faithfully mirror the innate virtues of their pure and gentle natures..... perfect daughters, perfect wives, perfect mothers...."

"...a self-contained, self-dependent, symmetrical and perfectly harmonious, industrious economy, deeply rooted in the popular conviction of its divine character and protected through every political and commercial vicissitude by the absolute power and marvellous wisdom and tact of the Brahmanical priesthood."

"...And this is the unhappy India of the writers on that country who know not the things that really belong to her peace and have acquired all their knowledge from statistical abstracts and Blue books. Unhappy India, indeed, I might rather bemoan the unhappiness of England where faith for nearly four centuries has no fixed centre of authority....."

"...What we call prosperity exists only in figures and has no place in the personal experience of the West....."

"Happy India indeed....'but how long'....."

**The Honourable Mr. H. G. Haig** (Home Member) : Sir, I rise to explain—I hope quite briefly—the general attitude of the Government towards this Bill. I should not attempt, even if I were qualified, to follow the Honourable Member who has just sat down through the learned authorities which he has quoted and expounded. I wish to deal with this question on quite broad and general lines. Now, Sir, you have explained that this Bill does not attempt to repeal the Sarda Act, but merely to amend it in certain particulars. At the same time the particular classes which this Bill seeks to exclude from the operation of the Child Marriage Restraint Act are, as I understand it, precisely those classes against whom the Act was very largely directed. And, therefore,

I P.M.  
it is natural that the introduction of this Bill should bring up all those difficult controversies which engaged the attention of this Legislature in the years 1928 and 1929. The questions at issue naturally rouse deep feeling; it is the old issue between tradition and conservatism on the one side and reform on the other. On the one side we have considerations of social and physical welfare, on the other we have considerations of long-standing practice based on religious ideas. On the one side there are the practical facts, what one might call the human side of the problem; the object of those who promoted the Child Marriage Restraint Act was to alleviate human suffering and to promote what in their view was a humane measure of social improvement. On the other side,—and I do not wish to minimise in any way the strength of the feeling,—on the other side were those who stressed principles which they had been brought up to reverence and

were inclined perhaps to idealise the facts and to argue that the practice was not inconsistent with those agreed fundamental ideas of the welfare of the race. Well, Sir, that was the problem that confronted the Legislature in 1928 and 1929 and what I have to deal with is the attitude of Government now. One of the previous speakers mentioned with approbation some cautious remarks made by a very distinguished predecessor of mine. Those remarks no doubt indicate the general attitude of Government to these controversial social questions. They are bound to approach them with the utmost caution ; but, Sir, I maintain that in this case Government did approach these questions with great caution. The Act which it is now proposed to amend was under consideration in the Legislature for something like two years. It was circulated for opinion twice ; it went through the scrutiny of two Select Committees. While it was under consideration a special committee was appointed known as the Age of Consent Committee which toured round the whole of India endeavouring to obtain facts and opinions. All that material was before the House and before Government when the Bill came up for final consideration towards the end of 1929. Government felt that an evil undoubtedly existed and they came to the conclusion after the most careful reflection that it was their duty not to ignore what they felt to be a very definite evil but to lend their assistance to those who wished to take the first step in reforming that evil.

Well, Sir, the Child Marriage Restraint Bill was fully debated in this Assembly in 1929 and was finally passed with the aid of Government by a large majority. What facts are there before us which should lead us to revise our opinions or to change our attitude to-day ? I am aware of none. It might be that opinions in the country had shown a great change, that experience might have revealed certain difficulties or hardships that had not previously been expected. But, Sir, nothing of the sort in my view has happened since 1929. We have kept in close touch with the situation in the country in this matter. During the course of 1930 and 1931 we have had reports from Local Governments regarding the working of the Act, and the general conclusion which we have drawn from these reports is that the operation of the Act is in no way oppressive. Indeed a criticism has been made by the more enthusiastic supporters of this reform that the number of prosecutions has been disappointingly few. I do not think I can accept the view of the facts that was put by the Honourable Member who spoke last. There have not as a matter of fact been a large number of prosecutions and we are not aware of large numbers of persons being harassed as a result of this Act. My own view, Sir, in regard to a great social problem like this is that it is not possible to change in a moment the outlook and the practice of millions of people ; we cannot expect merely by a penal measure to effect an immediate transformation. Many who supported the Act did so with the idea not that it would be used to coerce people on a large scale by penalties, but that the existence of the Act and the statement of public policy that it contains would gradually exercise an educative effect on the practices and beliefs of the people and effect that conversion of public opinion which is the real sanction of all such measures. That process, Sir, I believe is now in operation and I would urge the House not at this moment to interrupt it. The advice which I

[Mr. H. G. Haig.]

venture to give to the House on general grounds is reinforced by a special consideration which arises out of the present constitutional position. We are coming to the end of an era ; within a few years we expect to see in operation a series of new legislatures from which the official element will have disappeared. That official element is undoubtedly a complication in dealing with a question that so vitally affects the life of the people as this Bill does. And, Sir, I should have supposed that it was wiser that both sides should call a halt and that they should await that stage now rapidly approaching when these questions can be settled by the representatives of the people for themselves without the complicating factor of official intervention. Social reform questions, Sir, in my opinion will form an ever-increasing interest of the new legislatures. Let us leave this question of the future of the Child Marriage Restraint Act to those legislatures. That being our position, the House will understand that the Government will feel compelled to oppose this motion.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

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**Pandit Ram Krishna Jha** (Darbhanga *cum* Saran : Non-Muhamadan) : Sir, I rise to support this motion. The motion before the House is in one sense a restricted one, but in another sense it is a very broad one. Of course, it has been remarked that some of the discussions which have already taken place are beside the mark, because they relate to the broader aspect of the question although the motion is a restricted one. I find on going through the Bill that this Amending Bill can both be called a restricted one as well as a general one. In the first place, it seeks to exempt certain communities named therein like Brahmins, Vaishyas, Sourashtras, but subsequently in the next sentence it says " other communities in which post-puberty marriage is forbidden by their religious usages or customs ". Therefore, I submit that this cannot be called a Bill that is confined to a particular community. Let us therefore examine the provisions of this measure from either point of view. So far as the feeling among the community is concerned, it has been said that there is no feeling, but before we make a general statement and examine the position, let us remember that in a vast country like India which is inhabited by different communities which have got different cultures and different modes of life, in fact in every province you will find that there are two sections of them. One section has always been, even before the Sarda Act came into force or was even contemplated, solemnising post-puberty marriages. So far as they are concerned, they are not touched, and it will be idle to say that that community would not give any support to Sarda Act. There is another section of the people—those who have been performing pre-puberty marriages from time immemorial. Now, let us see how those people have re-

ceived this measure. The Honourable the Home Member seems to be rather in doubt whether there is any feeling at all amongst people who are affected by the Sarda Act. I say the best proof which the Government can possibly have, and which this House can possibly require, is already there. Honourable Members will notice that in to-day's agenda there are as many as eight Bills, either for introduction or for consideration, to whittle down the Sarda Act. Now, it cannot be said that all those Honourable Members who have brought forward their Bills are, as Sir Hari Singh Gour would say, backward. My friend Sir Hari Singh Gour even went the length of saying that the Mover of this Bill was probably one of the old school of thought and, possibly, a backward. Sir, I entirely repudiate that suggestion, for in my humble opinion one cannot be called an advanced man simply because he adopts a new culture giving up his own or he apes foreigners. What have the oppositionists to say with regard to my friend Mr. Ghuznavi? He is one of those people who has brought forward one of these Bills to whittle down the Sarda Act. Can it be said that my friend is not an up-to-date man? Can it be said that he is not a true Muhammadan? What about my friend Mr. B. N. Misra? He has received as much English education as my friend Sir Hari Singh has; of course, Sir Hari Singh may have subsequently received a little more education, but they began together. Mr. Misra has got the English training. Will my friend Sir Hari Singh Gour call Mr. Misra a backward man according to his definition of the term 'Brahmin'? Mr. Misra is as much advanced or forward as my friend, Sir Hari Singh Gour. Can it even be said that those who are against this Bill are backward people? My point is this. A certain practice has been in existence from time immemorial. By a certain legislative enactment you want to change it, and then you want to get support from the very people whom it does not affect. Then you say that there is no feeling in the matter. What is your proof for it? On the other hand, I have given you the best possible proof which does not require any further support.

The second question is this. Is it not, Sir, within the experience of every Indian Member, Hindu or Muslim, that a number of marriages have been performed since the Sarda Act was enacted in utter violation of that Act? It is not only in communities which my friend, Sir Hari Singh Gour, would call backward that such marriages have taken place but in other communities also. Families which used to perform post-puberty marriages before the Sarda Act was passed are continuing it.

Now, people who used to perform pre-puberty marriages are still continuing to do so in spite of the Sarda Act, and they have done it in utter disregard of the Sarda Act. In fact in the constituency from which I come, there is such a feeling against the Brahmin community that one of them said 'what does it matter to others how or when we marry our girls'. Sir, I will again repeat that you should not rely upon the views of the people who have been performing post-puberty marriages from time immemorial. You have to examine the whole question from the point of view of those who are affected by this Bill. Now, in the face of these facts, can it be contended that the people affected by this Act have been reconciled or the Bill is acceptable to them? I submit, Sir, it is not so.

[Pandit Ram Krishna Jha.]

Now, Sir, there is another important fact which has to be considered, and it is this. As the Honourable the Home Member remarked, there have been a surprisingly small number of prosecutions. In fact in my district alone there must have taken place at least 4,000 marriages both in the high caste as well as in the low caste people within the last two years, and there have been so far only two or three prosecutions, and most of these prosecutions were undertaken not in the interest of the girl as a result of the Sarda Act, but purely out of spite. When there is a question of property involved, people take advantage and harass their enemy. It is only out of sheer spite that these prosecutions are started. This again clearly demonstrates how far the community affected is reconciled to it or how far they regard it as something which they can easily ignore. I submit, Sir, it is not correct to say that the communities affected have not raised their voice against the measure and therefore the Government cannot move in the matter.

Another point which this Honourable House ought to remember is that a practice which has been in existence from time immemorial should not be interfered with so lightly and so suddenly. If the Honourable Member Mr. Sarda had endeavoured to introduce reform bit by bit, perhaps he would not have had to face so much opposition, but to make a radical alteration in the law which has existed for long is, to say the least, simply, absurd.

Then, so far as the religious aspect of the question is concerned,—I am not going to refer to the authorities which my friend quoted this morning,—it is a settled fact that Hindus, particularly those Hindus in whose family pre-puberty marriages have been performed, regard these marriages not as a social function, but they regard them as part of their religion, and for people of that class to be told the doctrine which Sir Hari Singh Gour has enunciated is simply absurd. In fact, I expected that he would say that not only people above 18 should contract marriages but that every marriage should be annulled if it was performed before the age of 18. This is a proposal which sounds very startling to any Hindu who regards marriage not as a contract under the Contract Act but as part of his religion, to any Muhammadan who regards marriage not as a contract under the Contract Act but something much higher than a contract and much more sacred. I, therefore, submit that, although the so-called progressive people regard the Sarda Act as something which is very helpful, as something which is very beneficial to the community concerned, their opinion counts very little. It may be that these gentlemen who call themselves most progressive, who have given up their old modes of life and have taken to the Western ways of living—they may say that one must take eggs instead of ordinary vegetable or potato. They may come forward to-morrow and say, "You backward people, you do not know your own interest; you do not know science, and you do not know what will lead to your longevity. It is not bread but it is eggs that will conduce to it, and therefore legislation should be forced down the throats of the so-called backward people. (Pandit Satyendra Nath Sen: 'That is in store for you')...that in order to improve their lot, to improve their longevity every Hindu should every morning take half a dozen eggs." Things like that are absurd.

You cannot go and force down a piece of legislation against the wishes of people who do not like it. If you hold one view, they hold another view. You must respect my view as much as I am bound to respect your views. If they had expressed themselves clearly at the time of the elections that they were going to give consent to the Sarda Act, many of my Honourable friends would not be here to-day. They merely came on political issues; they never told their electorates that they were going to give consent to the Sarda Act in the name of the community. Then it is said that people were consulted. Who were consulted? If the issue of the Sarda Act had been placed before the constituencies at the time of election, then those who would have been returned would have every claim to say that they represented the view of their constituencies. You never put this issue at the time of the election, you never consulted your constituencies, and now you come here to give consent to an obnoxious piece of legislation. In fact, Sir Hari Singh Gour relied much more upon the principle of the doctrine of *res judicata* than upon anything else. With all respect to the learned doctor, may I say that the most essential part of the principle of *res judicata* is that the parties must be heard beforehand. Who were heard? Sir Hari Singh Gour had been heard, and similar other representatives might have been heard, but does my Honourable friend suggest that at the time the Sarda Bill was on the anvil of the Legislature he consulted his Hindu electors? The question narrows down to a small issue, which is whether on the strength of the opinions of persons who are not affected by the Act you are going to force it down upon persons who are affected? I submit the issue is very plain and there can be no difficulty whatsoever in deciding it. The Honourable the Home Member said that no new facts have been brought forward. I should like to tell him that there is a very, very important piece of evidence before him, namely, there are any number of Bills either for introduction or for consideration to whittle or to repeal the Sarda Act. You cannot say that these Honourable gentlemen have done it irresponsibly. They are Members of this House as much alive to their responsibility as any one here. Then what justification is there for saying that there are no new facts to suggest that people want an amendment of the Act? I submit therefore that there are sufficient grounds for amending the Act, and I will go further. I would say that the idea of prestige on the part of the Government should not outweigh the consideration that a large section of the people, particularly Brahmmins, in every part of the country, are decidedly against the Sarda Act. On these grounds, I support the Bill.

**Kunwar Baghubir Singh** (Agra Division : Non-Muhammadan Rural) :  
 Sir, I am one of those who are opposed to the interference of Government in social and religious matters, but here the Government did the right thing in accepting the Bill of Diwan Bahadur Harbilas Sarda. I would not have taken part in the debate if my community, I mean the Brahmin community, which has been sought to be excluded by this Bill of the Raja Bahadur had not been taken in. Fortunately or unfortunately, I belong to the Brahmin community in which child marriages are very common, and, if we see the statistics, we find that among Brahmmins and Vaishyas, who are also sought to be excluded by this Bill, the largest number of widows exists. So I wish to oppose the motion put before the House by the Raja Bahadur. The Sarda Act sought to lessen the number of widows as can be seen by the fact that

[Kunwar Baghubir Singh.]

girls below the age of 14 will not be widows because they will never be married. Then it wanted that the children should not be weak as the boys and girls will be married at a late age. They will not be as weak as we see in these days. If the Honourable the Mover and his supporters had had the benefit of this Act they would not have seen such weaklings as we see to-day. It was in the interests of humanity that the Child Marriage Restraint Act was passed. It was very kind of the Government in the days of Sir James Crerar to have helped in the passing of this beneficent measure. Now, our present Home Member has taken a very good line of action as was evident by his speech which he delivered this morning. From Pandit Satyendra Nath Sen's speech I thought that all the shastras of the Hindus were against the marriageable age fixed by the Child Marriage Restraint Act, but, Sir, my reading of the shastras is different. According to my reading of the Hindu shastras, my view is that the boys below 25 should not be married and girls below 18 should not be married. The amendment of the Act as proposed by the Raja Bahadur would go against this and so it will be unshastric, if I may say so.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Could you quote some authority ?

**Kunwar Baghubir Singh** : Not offhand. I am not speaking about Muhammadan law. I am speaking about the Hindu shastras. As there are contrary opinions in law, civil and revenue, there are also contrary opinions in shastric law. In law making we have to see the needs of the day. One injunction has been so often quoted here that I cannot help repeating it here. It says :

*"Asht varsha bhavet gauri nava varsha cha rohini."*

I do not know Sanskrit but I quote this from the speeches of other speakers. This law was made at a time when girls, unmarried girls, were forcibly carried away by foreigners who came to our country. Now, I may be wrong in my reading of history. I do not know about that but under the British Government it is unnecessary now. So the shastric injunction does not hold good to-day. It can have no bearing now. Hindu society is not stagnant but progressive people and reformers should not be thought to be Westernised people, as Pandit Sen thought. Pandit Madan Mohan Malaviya, one of our greatest orthodox leaders, though he might have opposed the Child Marriage Restraint Act as it was put before the House, was against child marriages. He is against early marriages as other reformers are and he cannot be a Westernised reformer. My constituency is overwhelmingly in favour of the Child Marriage Restraint Act and if my community or for the matter of fact the Vaishyas are exempted from this Act its benefits will be lost to us. If the case of the Brahmins of Southern India is different, from where the Mover of the motion comes, then he should say so but in my province the Child Marriage Restraint Act has given much benefit and the disadvantages of early marriages are slowly but surely going away. The Child Marriage Restraint Act is putting a strong break on the evils which prevailed in the Hindu society before the passing of this Act. The days of the orthodox people of the type of the Honourable the Mover are gone. They are ploughing a lonely furrow but the public as a whole

and most of the educated men in the country stand for the Act. With these words, I oppose the motion before the House. (Cheers.)

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : I regret that I have again on this occasion to cross swords with the learned Raja Bahadur and the learned Pandit from Bengal. They are very good friends of mine and I feel great respect for their opinions. They are quite sincere in their views and although I have the disagreeable task of differing from them, still my respect for them and my honour for them will not diminish. They really believe what they have been preaching in this House. They really think that the salvation of India and the Hindu religion lies in observing the conditions that have been laid down in the Smritis thousands of years ago. The Raja Bahadur said that the Rishis existed about two thousand years ago. I think it might have been a slip. I speak subject to correction. Two thousand years ago may mean about the time of the birth of Christ.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : From time immemorial. The memory of man does not extend so far.

**Mr. B. V. Jadhav** : Let it be time immemorial. May I ask one simple question, whether the Manu Smriti that is now in existence is the original book that was compiled by Manu ? Is there any guarantee about that ? In the Manu Smriti it is said that there were 100,000 slokas which were distributed among the three worlds and about 33,000 slokas were given to this world. But in the volume handed down to us there are not more than 4,000. Where are the others gone ? No one can say that the Manu Smriti in our hands is the original work compiled by Manu. We find quotations from Manu in other works which are not traceable in the edition that is now in our hands. That leads to the conclusion that the original work is lost and we have been left with a spurious edition. At the same time I may point out that all these injunctions and commandments that are passed off as coming from Manu are only heeded or observed in the case of women alone. Manu has laid down certain doctrines and certain conditions for men which are constantly evaded and broken but no Brahmin or Brahmin pandit ever says anything about that. Manu says :

*“ Yonadhitya dvijo Vedamanyatra kurute shramam,  
Sa jivanneva shudratvamashughachchhati sanvayah.”*

I am going to point out to the House that the restrictions about the conduct of men are lost sight of and it is only those about women and girls that are insistently brought forward and every attempt is made to restrict their liberty and thus to put them down.

The Sloka means that “ a Brahmin who does not study the Vedas and takes pains to study other sciences, in this very life comes down to the position and status of a Sudra, not only himself but with all his family and with all his descendants ”.

**Mr. N. M. Joshi** (Nominated Non-Official) : Where is the harm of becoming a “ Sudra ” ?

**Mr. B. V. Jadhav** : But then the Brahmin ought not to come here and say that he deserves and needs protection, and so on.



**Pandit Ram Krishna Jha :** Why not leave the Brahmin alone ?

**Mr. B. V. Jadhav :** We were inclined to leave him alone, but you will not allow us to do so. Why do you ask for special privileges, and special exemptions for Brahmins alone ? On the last occasion the Raja Bahadur said that the Rishis of old had great foresight and had laid down rules for the conduct of everyday affairs. May I point out that many of these Rishis who have laid down rules of conduct were not always virtuous themselves ? (Laughter.) In the Mahabharata it is said that the Rishi Dirghatamas laid down certain rules simply because his wife had disobeyed him. And what was the behaviour and conduct of this lawgiver. Sir, it will not bear repetition in this House, so I will not disclose it ! In Swetketu, who has been quoted in season and out of season, is also said to have laid down certain rules to control the conduct of women and that too on occasions when he was displeased with the conduct of a certain woman, his own mother. Much stress has also been laid on the text :

*“ Ashtavarsha bhavet gauri navavarsha tu rohini,  
Dashavarsha bhavet kanya ata urdva rajasvala.”*

That may be in some books, but I have read :

*“ Ashtavarsha bhavet kanya ”*

In the marriage ceremony, when the girl is handed over to the parents of the bridegroom, it is always said :

*“ Ashtavarshatviiyam kanya putravatpalita maya ”*

this girl of eight years has been brought up by me as a son.

Here the word “ Kanya ” is used. But then, Sir, the ritual and everything connected with it is so inconsistent that whatever the age of the girl may be, she is described as an eight year old “ Kanya ”, even though, she may be three times or five times eight. The learned Pandit gave a shock in this House when he told us what dire punishment was to be inflicted on the father of a girl who attained the age of puberty in his house. But I may tell him that in my part of the country, in the country of the Marathas, thousands and thousands of Brahmins are incurring that penalty every day now-a-days,—and I do not know what their condition in the next world will be ! The shastras are not always very consistent. There is also an injunction that the girl should be married at the age of twelve. Then Manu says that she may wait even for three years after attaining puberty ; and further on he says that not only that but the girl may remain unmarried till her death, but she should never be given over to a man who is devoid of qualities. What I want to impress upon this House is that the injunction that the girl should be married at the age of eight is not mandatory.

**Mr. B. N. Misra** (Orissa Division : Non-Muhammadan) : That may not be for *all* classes—the Sudras and others,—but only for Brahmins !

**Mr. B. V. Jadhav :** What about the exemptions for the Kali age ? We are told that the Rishis of old in their long vision enjoined that these practices are not necessarily to be observed in the Kali age ; and there are so many directions here and there, so that this claim

on the part of the Smritis is not tenable at all. Now the sources of the *Dharmashastras* are said to be :

“ *Śrutiḥ Smṛtiḥ sādācharaḥ svaseyache priyamātmanah,* ”

—i.e., the Vedas, the Smritis and the practices of the good and what is approved by one's conscience. We shall see what the practices of the good have been. The Purans and Itihasas, do not enjoin that a girl must be married at the age of eight. They are silent on that point. But whatever references there are and whatever implications there are, they are in favour of grown-up-marriages and not for child marriages. In the Smritis as they are now extant some provision or injunction about child marriage is found, but then what was the *achar* ? Pandit Satyendra Nath Sen told us this morning that Rama had been married at the age of fifteen and that Sita must at that time have been of the age of eight. The Ramayana says this, but what is the occasion to give this bit of autobiography on the part of Sita ? Ravana had come to abduct her, and this age is put into her mouth at that time when she was speaking to him. I might put it to this House as to whether it was reasonable to say, whether it was the proper time for saying that she was at that time 16 years or 18 years and Rama was 25. I think that is an interpolation in the Ramayana when this child marriage custom was brought into force. There have been many such interpolations in the Smritis and there have been many such in the Ramayana and Mahabharata.

**Pandit Ram Krishna Jha :** Burn them all together !

**Mr. B. V. Jadhav :** Better read and examine them. On the whole I think that is the only reference in the Ramayana, but in the Mahabharata there is no reference showing that girls were married at ages under twelve.

**Pandit Satyendra Nath Sen :** Sir, may I quote the text from Mahabharata in my support ?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The House has already had a number of shastric quotations.

**Mr. B. V. Jadhav :** Not only in the case of Khatriyas who never married young but even the Brahmins always married grown-up girls. They never had any patience to wait !

**Pandit Satyendra Nath Sen :** The Mahabharata says :

“ *Trimsadvarsho dasa-varshām bhāryām vindeta naṅnikām.* ”

**Mr. B. V. Jadhav :** I can only say that that is not a genuine text. Sir, I shall say a few words about the ritual of marriage that is followed. Even those orthodox people who profess to marry their girls at the age of 8, 9 or 10 perform what is called *chaturti karma*. What is the real import of that ? On the fourth night from *saptapati* there is a ceremony gone through and the bride and the bridegroom are asked to sleep in one bed. The observance of this ritual clearly shows that the girl and the boy were not mere children as is stated here but they were fully grown-up and were able to take the responsibilities of life on themselves.

Much has been said that the early marriage does not mean early consummation but that it is only a betrothal. I do submit, Sir, that the use of the word “betrothal” in this case is very wrong. A betrothal is one which can be broken at any time, but in the case of the Indian,

[Mr. B. V. Jadhav.]

marriage whether the girl be of 8 or 10 or 3 years of age the marriage once performed is a complete marriage and the girl, if she is unfortunate to lose her husband, becomes a widow. So, it cannot be said that it is merely a betrothal and nothing else. It settles the status of the girl and she has no escape from widowhood. So, it cannot be said that it is a mere betrothal and therefore it does not do any harm. It is very harmful indeed and therefore the law is right in stopping it. Now, Sir, the old *achar* according to the ritual clearly shows that the marriage of grown-up girls was only allowed and that the story of so many marriages in the Puranas all go to show that the practice was confined to grown-up men and women. Now, the Raja Bahadur claims an exemption for the Brahmans, the Vaishyas and the Saurashtras. May I ask him what he means by Saurashtras ?

**Raja Bahadur G. Krishnamachariar :** That is a community in Southern India.

**Mr. B. V. Jadhav :** I may point out, Sir, that Kathiawar is called Surashtra and Sarashtra means the people of Kathiawar. Does he claim an exemption for all of them ? Has he got any authority on their behalf ?

**Raja Bahadur G. Krishnamachariar :** The same authority as Mr. Sarda had for his Bill.

**Mr. B. V. Jadhav :** Then, who are the Vaishyas ? Those who practice cultivation, those who attend to the cows and the cattle in general and do the business of trade are the Vaishyas. Does the Honourable the Mover of this Bill claim exemption for all these ? There may be a handful community in the province of Madras who may call themselves Vaishyas and who may claim exemption from this Act, but I do not think that that community or the Mover of this Bill has any right to make use of the word Vaishya for that particular community. As far as the Brahmans are concerned, much has been said here that they always practice child marriage. In other parts of the country, say in the country of the Mahrattas, this restriction is not at all put into force. There are Brahman girls of 20 years, 30 years and 40 years who married at that age. So, I do not think that even an exemption on the part of the Brahmans can be claimed. But may I ask the Honourable the Mover what is the condition in his own province of Madras ? The Brahmans of Malabar are the Brahmans of Brahmans. They have been following the shastric injunctions from time immemorial and they do not mix with anybody else. Among them, too, the marriage of girls is not the child marriage. They marry their girls at the age of 20 and 30 and many of the girls remain unmarried.

**Raja Bahadur G. Krishnamachariar :** Then they do not follow the rule.

**Mr. B. V. Jadhav :** I do not think the Raja Bahadur will have the courage to say that in their province.

Sir, I need not take up much time of the House but what I do wish to say is that this Bill is not at all well considered and the claim made that the community of the Brahmans, the Vaishyas and the Saurashtras should be exempted is an exorbitant claim. I therefore oppose this motion.

**Several Honourable Members :** The question be now put.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : There are several Honourable Members on their legs and the Chair is entirely in the hands of the House. What is the desire of the House ?

**Several Honourable Members :** The question may now be put.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : How long is the Honourable Member likely to take ?

**Mr. B. N. Misra :** About quarter of an hour. Mr. President, I would not have at all stood up were it not for the utterance of the Honourable the Home Member and the attitude of the Government. Sir, I may be wrong, but I was always under the impression that the policy of the Government was not to interfere in social affairs, particularly with regard to the marriage as it is known in India amongst the Hindus whose number is about 30 crores with so many castes and sub-castes. Whatever might have been said by Pandit Satyendra Sen and others about the shastric laws, I would say that certainly in India there are many kinds of marriages. There are eight kinds of marriages. That was in the very olden days. All that is forgotten now. Perhaps none of the Honourable Members will agree that a woman could be carried away now-a-days by force following the Rakshasa form of marriage. All people will regret that course. None of the people follow the Rakshasa or the Paisacha form of marriage now. There are many other things amongst the ancient customs which we do not adopt now. In the matter of marriage each caste and each community follows its own custom. I would ask my Honourable friends whether before 1929, that is before the passing of the Sarda Act, they could point out any legislation undertaken for prescribing the age of marriage anywhere. They can go back to three thousand years and yet they can never find any legislation prohibiting marriage below a certain age. I stand upon this fact that each society was managing its own affairs. No Government interfered in the religious practices of any community. Marriage practices never formed the subject of legislation at any time. All these Bills that you find in the agenda would not have come in against the Sarda Act, but for the fact that people believe that their religious practices have been interfered with. Some of the people who call themselves progressives have come forward with this legislation against early marriage. I do not know who these progressives are, I do not know how I can define the word 'progressive'. Is it arithmetical progression or geometrical progression or what? You find there are so many castes and so many classes in this country, but you do not find any class classed the progressive. They might have formed a new religion and if so, you would have found a classification called the progressive in the census list. If I remember aright, Mr. Gokhale when he was introducing the Free Compulsory Primary Education Bill complained that the literate men in India comprised only 4 per cent. out of 30 crores. Now, if we make a calculation, how many out of these literate people of 4 per cent. are progressives like my Honourable friend. I say there is no definition of this word 'progressive'. If I may say so, they are the most autocratic people, who want their personal views to be imposed upon others. Where was the necessity for the Sarda Act? Did we ever get any complaint that the system of marriage then in vogue was bad? There was no complaint at all. Why should these social reformers thrust their views upon the public. I was pained to hear the

[Mr. B. N. Misra.]

Honourable the Home Member say that Government would support the Sarda Act. I was all along defending the Government and I never thought that the Government would be so unreasonable as to interfere in social and religious matters. The Honourable the Home Member said that he would oppose this Bill and I would submit that for the first time the Government is laying down a new principle in social and religious matters, namely one of interference.

The Honourable Mr. H. G. Haig : Government are only adopting the same attitude which they adopted in 1929.

Mr. B. N. Misra : That was a wrong attitude, namely interference in social and religious matters. If his predecessor did some wrong, he need not repeat the same mistake. I would submit that Queen Victoria in her memorable proclamation assured the people of India of strict religious neutrality and non-interference in all social and religious matters. I hope the Government should always remember that declaration of that great Queen. India was allowed to pass into the hands of the Crown only on that assurance. Otherwise many more sepoy mutinies would have been enacted. It is because the Government never interfered in religious and social matters of the people that they have been ruling these two centuries. If the Government should interfere in religious matters, then the feelings of the people will be estranged and the people will soon lose their confidence in Government. As my Honourable friend Pandit Sen pointed out these orthodox people are very loyal to the Government and they have full faith in the Government. I was also under the same impression till now, but now I find I was wrong in my impression.

Now, to come to the real fact of child marriage, what do we find ? According to the Ramayana and Mahabharata, there were eight systems of marriages, called the Rakshasa, Paisacha, Gandharva, etc. marriages. No one would support those systems of marriages now. Rakshasa form is carrying by force a woman or following the *kukkuta* and *kukkuti* form, that is a cock catching hold of a hen. In ancient times we also heard of Swayamvara form of marriages. All these are not in vogue now. According to our customs we are following the system of Prajapatya invariably, sometimes Daiba or Arsh marriages now. Supposing a woman above 15 years is taken in marriage into a family, what happens ? She will not agree with the ways and customs of the house into which she enters into family alliance. It is purely from the domestic point of view, we want to take young girls in marriage. When a girl between 7 and 12 is taken in marriage into a family, she becomes part and parcel of the new family and she gets herself accustomed to the new surrounding much sooner than she would have been had she come into family later on, say after 15 years of age. There are two stages up to which even the Indian Penal Code exempts any person even if he or she commits a crime, because it is not the age of discretion. Section 83 of Indian Penal Code says that nothing is an offence which is done by a child above 7 years and under 12 years, because he has not attained sufficient maturity of understanding to judge the nature of the offence. That is the age when they are supposed to acquire some understanding in the affairs of the world. That is also the age when we impart education and train them. The ages between 7 and 12 are the best for a girl to get herself married. Afterwards she might

form independent views and assert her own independence. That is how you can have a happy home and a happy domestic life. This age between 6 and 12 is the best age for a girl to come to a stranger's family because she can adopt their manners and customs and their views.

Sir, the great poet Bisnusarma says :

“*Yamabe bhajanagnah Sanskaronanyatha bhabet.*”

“An impress on a new clay pot lasts long.”

After that she will have her own views and principles and she will not care for the views of her husband's father or mother. So from the common sense point of view, apart from shastric injunctions, that is the best age when you can take a wife who will be docile and will follow your manners and ways. The opponents of child marriage say that on account of this marriage there are many widows. Sir, I am shocked to hear that. Did the girl become a widow through her own fault? She became a widow because it was an accident that the man died. She may also become a widow in her 15th or 16th or 20th year, and nobody can help it. So I think this argument has no foundation and no legs to stand upon. Moreover, the law provides for widow re-marriage and my Honourable friends know that among many castes there is widow re-marriage. Only among the Brahmins there is some restriction. So this argument about child marriage increasing the number of widows is absolutely unfounded.

Another advantage of early marriage is that there are many poor families in this country and if a girl is married at an early age the husband's family can take care of the girl. Among these poor people girls after a certain age cannot go out lest there should be cases of abduction and kidnapping. But no man will ever cast an evil eye on a girl of 7 or 9 or try to kidnap or abduct her. So this is one advantage that once you give your daughter in marriage you are relieved of all burden. And it is a relief for the poor people who form the majority of this country's population. Sir, in our society and also in Muslim society there are many things which assume religious importance and you have noticed that they also resent the Sarda Act and against any interference by the Assembly or by Government in their social matters. On that ground, Sir, I support this motion and I condemn the attitude of Government in opposing this motion.

**Several Honourable Members :** The question may now be put.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : I accept the closure. The question is :

“That the question may now be put.”

The motion was adopted.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) vacated the Chair which was taken by Sir Hari Singh Gour.]

**Raja Bahadur G. Krishnamachariar :** Sir, the Bill which I had the misfortune to introduce has met with opposition from Government and from quarters where I did not expect any opposition. Before this Bill was introduced I tried to find out whether Government having made a mistake in 1929, and I say so deliberately for reasons I shall presently state, having made a mistake in 1929 would repeat it in 1932 or allow us to have a fight among ourselves ; that is to say, whether, if the Hindu community

{Raja Bahadur G. Krishnamachariar.}

is agreed to change it, they would stand aside from it. Sir, I was somewhat disappointed but I shall come to that a little later. My Bill which is a very simple one proposes or desires that certain communities should be excluded from the operation of what is now known as the Sarda Act.

My friend, Mr. Jadhav, said that I have stood up before this House and asked for special privileges. I admit it is special privileges—but not the special privileges in the sense that he put forward—but a special privilege in this sense that I should not be compelled to do what he himself would not desire that he should be compelled to do against his conviction. For generations, for thousands of years as I shall show presently, we have been following a certain custom. Who are you here, having assured us after a tremendous upheaval in the country, that you will never interfere with my religion and my law, that you should now allow your legislature, upon the ground that it has been enlarged, to interfere with that belief? I ask, who are you to compel me to follow a certain method, simply because upon insufficient material, upon baseless allegations and upon absolutely unwarrantable premises, you say that a certain custom is pernicious, when I can show that the custom is not pernicious and that the reason for what you allege to be the deplorable condition of the country is not the custom of so-called child marriage but something quite different? The position is this. What I want is not that I should be specially treated—for instance in the olden days the Brahmin claimed that he should not be subject to the death penalty—it is not a privilege like that that I am asking for now; it is only the privilege of doing my acts in my own way without being interfered with by you—a privilege which has been accorded to me, a privilege which has been solemnly assured to me, a privilege which sovereign after sovereign when they assumed power assured to me; and now the whole thing is cast to the winds. Now they say “Oh, it is a social thing; it is a matter of social improvement; you do not know your own interests”. It is the same thing in politics when I ask them for an advance. They say “You do not understand your interests; so we will do everything for you”. If my friends here and on the other side of the House will agree to an argument from the Government when they oppose all our requests for advance on that ground, then I can understand their now standing up against me and for the Government. As I said on a previous occasion, for five thousand years the Brahmin community has survived in full physical and mental vigour in spite of this pernicious custom and God willing it will survive another five thousand years in spite of this pernicious system if you will allow that system to go on. The position with which I started was. It is not a privilege that I claim in the sense that the Brahmins claimed privileges in the olden days. What I want now is the privilege which every honest decent man, every man under a civilised government wants, and that is to pursue his course of life according to his convictions so long as that conviction does not interfere with the even tenor of life of his neighbour. Starting from that position which is the first argument that I beg to address this Honourable House—the most important matter relevant to be discussed is that marriage among the Hindus, specially in the communities that I have asked to be excluded, is a sacrament. The late Sir James FitzJames Stephen, one of the most eminent lawyers that ever adorned the Law Member's seat, said that among the Hindus marriage and religion are two words for the same thing. That is what he said in 1872.

From that time up-to-date consistently, until a somewhat startling proposition was enunciated by the Honourable Home Member—and I shall show presently why it is startling—they have been invariably accepting the position that marriage and religion are the same thing. So that if you interfere with the laws relating to marriage, you interfere with the laws laid down by religion. That is the position I want to make perfectly clear ; and it is on that position that I am proceeding, namely, that where you interfere with the marriage laws of the Hindus, you are really interfering with their religious laws, and that interference you have specifically disavowed your intention to do. I do not take it from the date of the Queen's proclamation ; the proclamation is only an incident on the way ; but far away 150 years ago, when the East India Company was still tottering for power, when the East India Company had not found a foothold in this country, even then they said that they would not interfere with the religion of the Hindus and their social life and it is from that date that I am taking my stand, that you have given me this privilege of observing my religious practices in the way in which I have been doing, provided always—and I have absolutely no objection to reckon with that position—that that observance is not against any laws of humanity.

Now, what is our law relating to marriage ? My friend Pandit Sen and to a certain extent myself have said a great deal about the shastras applying to them. The Honourable the President has stated that we have had enough of these shastras. I suppose we have had enough of it, but I am very sorry for. If I had my own way, if it was not for the President's observation, I should have said that we have not had enough of these shastras for this simple reason ; that everybody who has spoken unfortunately—I say it without any disrespect to them—has not read the shastras ; he does not know the shastras ; a fourth rate translation of a man who did not understand what the Sanskrit language was relied upon, and upon that they go on discussing principles. However, I am not going to bore this House with any further recitation of the shastras. The sum and substance of all the statements made relating to the shastras is that according to the Hindu law as laid down therein and that have been quoted here, marriage among the Hindu and especially the twice-born must be performed within a certain age. Now there is no doubt that that is the result of the shastras. My friend, Mr. Jadhav, said "What is your shastra ? I can quote a hundred shastras each one against the other ?". That is where the difficulty comes in ; that is where my complaint also comes ; that is where the misfortune comes that this House is called upon to decide on a matter which is abstruse, which takes the learning of a life time to properly understand and apply. The shastras do differ ; the shastras do appear to lay down different rules regarding the same matter ; but is not there a way of reconciling them ? There is. In every code of law, so far as I know—I do not profess to be a very big or very great or very eminent lawyer—but from the extent to which I have studied law, I believe that in every system they have got a certain set of rules or maxims which they apply for the interpretation of the law. Now, very early in the life of the Hindus they found out that different rules had come into existence ; and yet, believing as these people did that all these rules were based upon revelation, they thought it was absolutely impossible there could be any difference in actual working. What did they do ? They set about framing what we call the Mimamsa rules of interpretation. My friend, Mr. Jadhav, ridi-



[Raja Bahadur G. Krishnamachariar.]

culed the Mimamsa the other day. He pointed out that these old people first said that there could be no contradiction between these rules and to justify their position they started a certain set of aphorisms in order to reconcile them.

Now, Sir, it is not after all so wicked these rules nor are these Mimamsa-kars dishonest. The fact is the Mimamsa rules of interpretation are absolutely essential in the same way as we have the interpretation clauses in our own statutes and in every known civilized system of law of the world. Why, Sir, have you got your General Clauses Act? You sit down and frame an interpretation clause, and as if that clause was not sufficient, you have got what is called a General Clauses Act. Why do you want it? Therefore, Sir, these Mimamsa rules of interpretation are absolutely essential for a proper interpretation of the shastras. Law is a highly technical science, and you want certain technical terms to express your ideas properly. So that, Sir, if you go to the Mimamsa rules of interpretation, you will find that in order to discover that in spite of these apparent divergences, a really consistent set of rules exist and how they should be applied. For that, you require a good deal of learning and patience. There are very few people who could master this science, and yet basing their knowledge not upon original sources but upon these fourth rate translations, they say "Oh, we have got so many different kinds of laws laid down and therefore the best thing is to wipe them out of existence". Sir, a man may be suffering from a certain disease, and some doctors may not be able to cure him, they may not be able to diagnose the case, there is absolutely no attempt made to go to a doctor who really understands the disease and who can cure the man, but instead you straightaway get rid of the man and the disease will disappear automatically. There are very good dentists in this country, and you go to them for getting your teeth trouble cured, but the first thing that some of them would suggest is to pull out your teeth. That is not the way in which you can reform the laws. First try to understand them.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) resumed the Chair.]

One of our eminent Law Members discussing in the early days of reforms the proposal to codify the Hindu law said that the Hindu law is so much interwoven in its parts that it is absolutely impossible for you to take it piecemeal and to legislate, but that you must understand the whole thing, and in order to understand it, you must place yourself in the place of those persons who framed those laws and understand the spirit in which they were framed and then try to codify the laws and bring them into accord with what you call to suit modern conditions. These reformers with certain new fangled ideas, with certain new fangled theories which have not been put to the test even in western countries come here and say "Oh, all these customs are wrong; all the shastras are meaningless because they were brought into existence to suit conditions which existed three thousand years ago, and so wipe out the whole thing, and take to the western system, engraft it in your own system, and then everybody will be happy, you will be fit for self-government tomorrow, you can have all your swaraj and everybody will be merry". That is not the way. I submit that the laws relating to Hindu marriages are laws relating to religion, and I have been given the assurance that there shall be

no interference with religion, and the large number of quotations that have been cited have made out a *prima facie* case that all these laws are based on religion. Therefore, my first objection to the old Act which I want amended is that as it is against religion it ought to be so amended that it shall not interfere with any religious commandments. That is the reason why I was expatiating at some length upon the religious aspect of the question. Now, what are the religious tenets of the Hindus that have been put? The religious tenets are that you must not perform a girl's marriage post-puberty. In this particular instance, there are laws of other religions which say the contrary and with which I am not concerned for the moment,—the Act that has been enacted says that marriage should not be performed before the girl attains her 14th year. That I say is against the religious tenets and must be changed. (*Several Honourable Members* : “ Now finish.”) I am not going to do anything of the sort. I may be defeated by those Honourable gentlemen who ask me to finish, they may all vote against me. It may be, my misfortune, Sir, to serve my community, and I say it without fear of contradiction, to serve the Government by my failure, but I am going to make every attempt that I possibly can to induce even the Government, and even those gentlemen who now ask me to finish, to change their opinion and come to the conclusion that I am right. So far, therefore, my first and most important objection is concerned, I say it, I have been saying it, and I am sorry I have got to repeat it in consequence of these interruptions, that questions based on principles of religion should not be lightly interfered with. As my friend Mr. Jha pointed out, India is a vast country, and there are different customs and observances followed by different people in different parts of the country. Those people in whose community post-puberty marriages have been the rule are not affected by this measure. My friend Mr. Raghbir Singh coming from Muttra, a most religious place, the birth place of Lord Sri Krishna, even now it is a most holy place of pilgrimage, surprised me when he said that his constituency supports post-puberty marriages. I shall come to that later.

**Mr. S. G. Jog** (Berar Representative) : How old was Subhadra when she was married?

**Raja Bahadur G. Krishnamachariar** : I am not going to yield to you however much you may cry hoarse. What I want to point out is that a complaint was made that my Bill attempts to exempt the Brahmins. My friend who said so did not evidently understand the effect of it. If my friend considers, if his community considers, if his constituency considers that post-puberty marriage....

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Order, 4 P.M. order. Adjournment motion. Mr. Ranga Iyer.

#### MOTION FOR ADJOURNMENT.

LETTER OF MAHATMA GANDHI TO THE PRIME MINISTER INVOLVING MAHATMA GANDHI'S DECISION TO DIE.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : (Applause.) My Honourable friend who has just concluded his speech referred to something in the nature of militating against the religious principles. He referred to a religious place and to a religious personality whom we Hindus look upon as an incarnation of our

[Mr. C. S. Ranga Iyer.]

God. He referred to Lord Krishna, and what did Lord Krishna say? He said :

“ Whenever virtue subsides and vice prevails, I come down to help mankind.”

Sir, we look upon Mahatma Gandhi as an incarnation of our faith. In obedience to the mandates of Bhagwan Krishna, he has come down to help mankind and, to-day, very rightly, very nobly, in obedience to the mandate of our Rishis, in obedience to the faith of our Gods, the Mahatma has taken upon himself the duty to revolt against a decision to split up our faith, to split up our race, to condemn our religion. Sir, what is it but a statutory condemnation of our religion, a statutory partition of our community, to separate the bone of our bone and flesh of our flesh from us, condemned as depressed classes? Our sages and our Rishis time and again rose in revolt against this condemnation. Sir, the curse of our religion, our religious observances, more correctly the latter-day accretions thereof has been the book-learned priest-craft which Swami Vivekananda denounced in these words :

“ The vulture soars high in the sky, but its eye is directed upon a piece of rotten carrion on the face of the earth.”

Therefore, the Mahatma has taken upon himself the duty of resisting with his life a decision which breaks up our religion, our Gods, our communities. Who dies if Mahatma lives? And who lives if Mahatma dies? (Hear, hear.) Mahatmaji has decided to die for the depressed classes, so that the depressed classes may live, and the Prime Minister of a foreign nation, alien in faith, alien in outlook, alien in understanding, has, with his limited wisdom and his limited vision, justified this segregation of a segregated community under a statute. He has said that he gives them protection of a limited kind, and then throws them as it were into the deluge of a general constituency. In a general constituency, how can the depressed classes be protected, without fixing their seats, whereas this poisonous segregation has been introduced for twenty years so that our religion, our Gods, and our community might be broken to pieces for the benefit of British Imperialism. Sir, if His Majesty's Prime Minister is honest, as honest I presume him to be, he will have to live up to his honest profession, namely, that opportunities must be given to this divided community to come together. And what did Mahatmaji want? He wrote from the prison to Sir Samuel Hoare to give him the opportunity, “ to mobilise public opinion to unite my community”. That demand was also rejected, in a spirit, may be worthy of an imperialism which takes its stand upon force, but unworthy of the Mother of Parliaments which believes in democracy and democratic institutions. (Cheers from Nationalist and Independent Benches.)

Sir, this decision has done violence to our religion. It has done violence to our faith. It contemplates doing violence to our community. Where civil disobedience divides, where politics separate, take it from me religion unites, and communal considerations cannot be ignored, when one community is going to be divided and wrecked for the benefit of British Imperialism. I look upon this statutory segregation as the introduction of the thin end of the wedge. What else is it but to tell the depressed classes, “ stand out of your community for 20 years to some extent now, and when separation works, you can stand out of your community

altogether" ? This is considered by the Hindus as a conspiracy to break up the joint family of the Hindu community. This conspiracy will be resisted by the Hindus so long as they have faith in their Gods and faith in their religion. We stood away from the civil disobedience movement. We did not respond to Mahatma Gandhi's appeals to us. We would not listen to the siren song of the Congress. We faced the picketers during the last elections, but when His Majesty's Government, in what the Hindus feel to be the insolence of their power, intoxicated with the red wine of imperialism, make up their mind to break up a community, then the community will unite and resist in a manner which British rule in India has not seen in the past. I say this with all the responsibility attaching to my position on these benches. I say this having before me my own political record in the past. I was once associated with Mahatmaji's movement. I worked with the Desh-bandhu C. R. Das. I also worked with Pandit Motilal Nehru, but I broke away from him when I differed from him. But to-day Mr. Ramsay Macdonald is alienating, British Raj is alienating, the men who believe in British connection. If Mahatmaji dies, take it from me British connection will die with him (Cheers from the Nationalist and Independent Benches), and we the constitutionalists, if we go and tell our people, don't cut the painter, they will say, you may paint the British Raj so loud as you like, but the painter has got to be cut. The British Government will be creating such an estrangement as can never be bridged in the future. It is wholly unnecessary to argue with Mr. Ramsay Macdonald if he has made up his mind. If he has not made up his mind, it is for Mr. Ramsay Macdonald to make a declaration and to give the promised opportunity to the Hindu community to come together and produce an agreed scheme, for, Mahatma Gandhi says clearly, definitely and emphatically, in unambiguous language, "I should not be against over-representation of the depressed classes". He is prepared, as subsequent passages in his letter show, to give substantial seats to the depressed classes in a general constituency. Such being the case, it is for Mr. Ramsay Macdonald to honour his pledge in time. I put it to my Honourable friend, the Leader of the House, to-day, and leader of myself and many other young ardent spirits whom he dragged into politics in his younger years with his spirited energy and heroic actions—I put it to him to-day whether he contemplates to rush, as it has been mentioned in the press,—to hurry to the Round Table Conference, to stage a tragedy with the Prince of Denmark left out, because, the Round Table Conference without the Mahatma would be playing Hamlet without Hamlet. It may be that a benevolent Government might provide my Honourable friend, much against his own wish perhaps, opportunities for the display of his great talents for the carrying on of the King's Government. But I would ask him in all sincerity and earnestness to rise to the occasion to which great men like him in his own Presidency have risen in the past and devote all his energy, all his resources, all his ability, to save Mahatmaji from dying, to go to Bombay and to cancel his programme of proceeding to Britain. It may be, I hope not, men like Sir Tej Bahadur Sapru who have been singing songs of praise on recent decisions may be dreaming pleasant dreams of going to the European countries, once again trying to resume the attitude of Kilkenny cats in a foreign land but, Sir, the time has come when our best men must make up their minds to bury at least the hatchet between the depressed classes and ourselves. (Here, hear.) I

[Mr. C. S. Ranga Iyer.]

will tell one thing to Mr. Ramsay Macdonald who has assumed the role of the protector of the depressed classes by giving them this utterly useless, this utterly insignificant separate representation for a limited few. I would ask him in all earnestness whether he represents the depressed classes at all, whereas Mahatma Gandhi's life has been a living sermon on the elevation of the depressed classes. All through these trying times that test men's souls, the great Mahatma has been a living Messiah to the depressed classes. It is a great thing that he is going to die for the depressed classes but it would be a tragedy which Britain must prevent if British connection must continue, because the Mahatma is the head of the right wing of the National Congress. I ask, does Mr. Ramsay Macdonald represent the depressed classes better than my friend over there, Rao Bahadur M. C. Rajah, though on this big occasion I would like to leave out his little title of Rao Bahadur, who has been twice nominated to this House. Who is not aware of the fact that he represents the depressed classes better than propped up associations, bogus institutions and men with no following who have been widely advertised in the columns of anti-Indian organs like the *London Daily Mail*? Who does not know that Mr. M. C. Rajah, the leader of the depressed classes and Dr. Moonje, the President of the Hindu Maha Sabha, had come to an agreement for adequate representation and protection for the depressed classes in a general Hindu constituency? Why did Mr. Ramsay Macdonald, may I ask, trample under foot the Moonje-Rajah pact? Sir, it is not too late in the day for Great Britain to wake up and save Mahatma for India and the Empire. If that were not done, the present generation and unborn generations, animated by antipathy against a foreign raj, will decry Britain for having assumed the role of Pontius Pilate. (Applause.)

**Rao Bahadur M. C. Rajah** (Nominated Non-Official) : Sir, never in the annals of the history of India has the issue of the depressed classes assumed the importance it has to-day. For this, we of the depressed classes must for ever be grateful to Mahatma Gandhi. He has told the world in words which cannot be mistaken that our regeneration is the fundamental aim of his life. If world conscience cannot be roused even now to the realization of the position of the depressed classes, then we can only conclude that all instincts of humanity are dead in the world to-day.

Let me remind the House that ours is an All-India problem and not confined to some provinces as it is in the case of Muslims and Sikhs. I have heard it repeated often that the Muslim claim and the Sikh claim to special consideration is because they are martial races. So have we been in the ancient history of India. If they claim that they have been rulers in this country, so have we been in ancient times. But, Sir, what we claim is that we have, in addition, been the most law-abiding and loyal citizens. Even when social laws degraded us to a position of untouchability, we never took the law into our hands and depended upon the moral conscience of our countrymen being roused to a realization of the grave injustice and inhumanity practised against us.

The question before the House is the situation created by Mahatma Gandhi opposing the grant of communal electorates to the "depressed"

classes. I am sure, there is no Member in this Honourable House who will not regret that circumstances should have forced such a great personality to take a vow to play on his life. But, Sir, the correspondence shows that Government had enough warning. If they did not attach full importance to our considered views expressed in our conferences and in the pact I had the honour to sign with the President of the Hindu Maha Sabha, they should have taken at least the grave warning given by Mahatma Gandhi and desisted from the course of creating separate electorates for us.

Sir, the situation as it confronts us to-day is as follows. The British Government have given their communal decision. They declare that it shall hold the field for 20 years in respect of the depressed classes unless there is unanimous request made before the constitution is framed or ten years after the constitution has worked. I wonder what is meant by unanimous request. Has in the political history of India or any country such literal unanimity ever been attained on any issue? Are the British Government sure that the Britishers are unanimous in giving India a further measure of responsibility? Are even the National Government sure that the conservatives as a whole back their Indian policy? This condition of unanimity is thus a dodge to keep us perpetually divided. I claim that my community is already in favour of common electorates and I will prove my contention by a few quotations.

You all know that the British Government sent two delegates to represent the depressed classes at the Round Table Conference—Dr. Ambedkar and Rao Bahadur Srinivasan. Dr. Ambedkar presented the case of the depressed classes in Bombay before the Simon Commission and he presented the statement of his Sabha where he said :

“ System of election.—Free election in general constituencies is, in the opinion of the Sabha, out of the question so far as the depressed classes are concerned. On the other hand, the Sabha does not wish to ask for communal electorates. In its opinion, it would be sufficient if the depressed classes are provided with reserved seats in the general constituencies.”

This was what Dr. Ambedkar said before the Simon Commission.

Again, in his minute of dissent to the Report of the Bombay Provincial Simon Committee, he demanded joint electorates with reservation of seats.

As regards Rao Bahadur Srinivasan, when he appeared before the Simon Commission in Madras, to a question put by a member of the Commission whether he wanted separate electorates for the depressed classes, he said “ Not at present ” and his reasons were :

“ Our people are not yet advanced to have separate electorates. Unless you give adult franchise the depressed classes should have no separate electorates.”

This was in 1929. When he went to the first Round Table Conference, the Depressed Classes Federation of Madras, of which he is the President, passed a resolution supporting joint electorates and giving him that mandate for being placed before the Round Table Conference.

In this connection let me remind the House that even Dr. Ambedkar demanded joint electorate with reservation of seats at the first Round Table Conference.

When the Indian Central Committee's Report was published giving the depressed classes joint electorates, with reservation of seats, for

[Rao Bahadur M. O. Rajah.]

all provinces except Madras, there was no hue and cry, and when the Simon Commission's report embodying joint electorates with reservation of seats was published, there was no protest raised against it. My friend, Dr. Ambedkar, while speaking on the recommendations of this Commission, welcomed this system as an advancement in the interests of the community and raised objections to the system of panels from which the Governor was to select candidates for the depressed classes. Indeed Dr. Ambedkar, speaking at the Kamptee Conference, in 1930, declared :

“ No share of political power can come to you so long as the British Government remains where it is. It is only in a Swaraj constitution that you stand any chance of getting the political power in your hands.”

He said in the same speech :

“ Swaraj is going to be a system of Government in which you, the Depressed Classes, stand the chance, other things being equal, of being amongst those who will be installed as political sovereigns of this country.”

I do not know what brought about a revolution in the state of mind of Dr. Ambedkar and Mr. Srinivasan at the second Round Table Conference, when they sacrificed the system whereby they would have obtained the right to be political sovereigns and secured, instead of expression of minimum voice for a people who deserved the maximum electoral power, to direct the Government from within.

Now, Sir, it will be clear to the House that joint electorates were acceptable to my community from the time they understood that there was to be transfer of power to Indian hands. The position we took was that, under a scheme of government in which Indians will rule, our safety lay not in finding channels for voicing our opinions but in taking our due share in the governance of the country. Indeed this is my chief attack on the Premier's letter to Mahatma Gandhi. He tells us that he has given the separate electorates for 20 years to enable us to get a minimum number of seats, so that we may place our views before the Government and the Legislature of the day. I contend that this privilege we have already enjoyed under the Montford reforms, which have enabled us to get representation in numerous local bodies and in the Legislatures, both Provincial and Central. We are sufficiently organized for that purpose, and do not need either special pleading and special succour in future. What we do need, as a real remedy for our uplift, is a definite power to elect our representatives from the general constituencies and hold them responsible to us for their actions. I do not know why the Prime Minister calls the scheme of joint electorates with reservation of seats as impracticable. It is already in force in local bodies in Madras and some other provinces and has worked very satisfactorily.

I contend, Sir, that the scheme enunciated in the communal decision involves our segregation and makes us politically untouchable. I am surprised at the argument of the Prime Minister that there is no segregation, because we can vote for caste Hindus who will have to solicit our votes. But, Sir, how can we bring about common ideas of citizenship when the depressed class representatives are not to solicit votes of the higher castes. (Hear, hear.) There is, Sir, another tragic side to the controversy. When we claim special protection from Government for

some share in official services, such as is already given by the Government of India to other minorities and backward classes, we are told that we are classed as Hindus to have no special claims, and when we declare that in the matter of legislative representation we would like to join the general body of Hindus, we are told that we are a separate community. (Laughter.)

Sir, the sufferings which my community has undergone at the hands of the caste Hindus have been acknowledged by the caste Hindus themselves, and I am prepared to admit that there are a large number of reformers among them who are doing everything possible to improve our status and position. I am convinced that there is a change of heart and a change in the angle of vision of the caste Hindus. We, the depressed classes, feel ourselves as true Hindus as any caste Hindus can be, and we feel that the moral conscience of the Hindus has been roused to an extent that our salvation lies in bringing about a change from within the main body of Hindu society and not by segregating ourselves from them. (Loud Applause.) The course adopted by Government would certainly arrest the progress of this most laudable movement and process.

I must say, Sir, that the Prime Minister's letter in its entire conception and expression has disappointed me most. He argues, for instance, that reservation of seats under joint electorates would not get a genuine representation for us. Does the Prime Minister know that the Simon Commission, consisting of seven chosen Britishers, held, after a most thorough investigation on the spot, that such a system would produce genuine representation for us? Even the fear expressed by the Prime Minister is resolved by Mahatma Gandhi who has said that he is ready to enrol every adult member of the depressed class as a voter and impose a stricter test on the caste Hindus. May I ask, why the Premier is not prepared to consider this solution?

Now let me summarise the position. The Premier's Award is separate electorates, solely to secure a minimum number of spokesmen for the depressed classes. Mahatma Gandhi's decision is for over-representation of the depressed classes in joint electorates. My pact with Dr. Moonje of the Hindu Maha Sabha gives my community reservation of seats on the population basis through joint electorates.

In conclusion, let me add that I have known and studied the question of the depressed classes in all its bearings all over India during the quarter of a century of my public life. I was privileged to review it fully during our tour with the Simon Commission. I would, therefore, ask the Government to take this assurance from me that our best interests require that we should not be dissected from the Hindu community, but that we should have our due representation in the legislatures on the basis of reservation. The crisis that faces us to-day is very grave. There hangs in the balance the life of the greatest Indian of our time, and there hangs in the balance the future of millions of the down-trodden people of this country. Are Government going to take the responsibility for killing the one, and reducing the other to perpetual servitude? Let them make their choice well and wisely. (Loud and prolonged Cheers.)



**Sardar Sant Singh** (West Punjab : Sikh) : Sir, of all the various forms of Government I have always liked the democratic form of Government for the simple reason that the constitution of a democratic Government minimises the chances and the dangers of bloody revolutions. It is a strange democratic constitution that is coming for India which threatens to bring blood in its train. The Sikhs have got the bitterest memories of the Award ; I know that from one end of the Punjab to the other, the Sikh agitation is growing both in intensity and volume. The Sikhs took solemn vows before the holiest of holy books that they will never submit to a constitution which confers a guaranteed communal majority to one community in the Punjab. But the Sikh agitation is reduced into insignificance in comparison to Mahatma Gandhi's resolve. The saintliest man living at this time on the face of the earth is going to risk his life in order to get one aspect of this burning question put right. (Loud Applause.) Sir, the occasion is too solemn for mere talk or rhetoric. Sir, the angel of non-violence, the one person, who once succeeded in turning away the terrorists from their bloody methods and brought them in line with his policy of non-violence, is going to starve himself to death on account of the fiat of an alien Premier, on account of the lack of knowledge of Indian conditions by an alien Premier.

My respectful submission is, Sir, that if the British Government does wish doing any good, as they say they wish to do good to India, then they must take stock of the forces that they have given rise to on account of their attitude in the matter. If they do not take stock of the forces, I am afraid that the estrangement between the Indians and the Britishers will assume such acute dimensions that in future it will be difficult to reconcile them both. I may here mention, Sir, a historical fact relating to the Punjab. Every Punjabee knows, that one Haqiqat Rai was crucified by the over-zeal of a Qazi's verdict. He was asked to embrace Islam. He refused and was hanged. Since then, the Muhamadans and the Hindus in the Punjab have never been able to reconcile themselves. Now, another saintliest man is going to be sacrificed by an act of an alien race and alien nation. If that saintliest man is allowed to starve himself to death on account of the threatened partition of the Hindu community, I am afraid that the gulf will become too wide for being bridged later on. Therefore, with all humility, I will request the Treasury Benches to convey to His Majesty's Government that if His Majesty's Government honestly want to confer upon India the boon of self-government to which she is, as a matter of right, entitled, they should not shut their eyes to the forces that are acting against this communal decision, but rather to shape their policy by winning the confidence of the people of India.

**The Honourable Mr. H. G. Haig** (Home Member) : Sir, we have listened to the speech by the Mover of this motion which was delivered under stress of considerable emotion. I make no complaint of that. The circumstances are surprising. We are faced with an extraordinary announcement and it is natural that the first reaction should be emotional. But, Sir, I would ask the House to look at the position as calmly and dispassionately as it can. I would endeavour to put certain plain considerations before it. In the first place, Mr. Gandhi's threatened action will be taken for the purpose of enforcing on Government or on public

opinion a particular solution on a matter of public policy. Well, Sir, I venture to submit, in the first place, that no Government could possibly let its action be influenced by methods of this kind. If this principle were once accepted, there would be an end of Government as we understand it or as you contemplate it. (Applause) The method which Mr. Gandhi has announced his intention of following could be applied to all the major issues of policy and we should find ourselves, if we accept that method, living under a dictatorship of quite a novel kind in the history of the world. I would invite the House to reflect on that point.

I come now, Sir, to the question of the Communal Award. It is within the recollection of the House that the Communal Award was given by His Majesty's Government with great reluctance under great pressure and when it had become apparent that the communities themselves could reach no agreement, and the question of the depressed classes was one in which no agreement had been reached between the caste Hindus and the depressed classes. Mr. Gandhi himself was present at the second Round Table Conference and the question of the depressed classes was one of the most acute controversies that was discussed at that session. The Honourable the Mover has claimed that Mr. Gandhi represents the depressed classes. I can only say, Sir,—I do not wish to put my opinion against his—that the representative of the depressed classes at the Round Table Conference very strongly and definitely repudiated that claim.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : He was a nominee of the Government.

**The Honourable Mr. H. G. Haig** : I may mention, Sir, that all the representatives at the Round Table Conference, including Mr. Gandhi, were the nominees of the Government. (Applause.) Well, Sir, in these circumstances, the communal decision was given by His Majesty's Government, and as reference has been made to it just now, I think it would be desirable that I should just read the relevant words :

“ If, before the new Government of India Act is passed into law, they (that is, His Majesty's Government) are satisfied that the communities who are concerned are mutually agreed upon a practicable alternative scheme in respect of any one or more of the Governor's provinces or in respect of the whole of British India, they will be prepared to recommend to Parliament that that alternative should be substituted for the provisions now outlined.”

As I have already explained, it is impossible for His Majesty's Government to vary their decision in consequence of methods of this kind. But an alternative is still open. Therefore, as I see it, Mr. Gandhi's action is really directed to bringing pressure to bear not on His Majesty's Government but on the representatives of the depressed classes and bringing pressure to bear on them to take the same view of their interests as he takes. Mr. Gandhi is fully entitled to his own opinions and to express them and urge their acceptance. But, as I see the situation, he is endeavouring to do more than this. He is endeavouring not to persuade the depressed classes but to coerce them by moral pressure into taking a particular view of their interests.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Persuading them from jail ?

**The Honourable Mr. H. G. Haig** : That view may be perfectly correct. We have heard Mr. Rajah speaking this afternoon. He says that he does

[Mr. H. G. Haig.]

not approve of the solution of His Majesty's Government. That is a matter for Mr. Rajah to settle with Mr. Gandhi. My point is that certain methods are being applied in order to bring pressure to bear on the depressed classes and I would merely ask the House to reflect whether those are reasonable methods of political controversy.

Well, Sir, I now come to the point which I think arises out of what Mr. Mitra was saying just now, namely, his reference to the fact that Mr. Gandhi is in jail. It must be clearly understood by the House that Mr. Gandhi is not intending to fast in order to get the right, as my Honourable friend suggested, of expressing his views. That is not his position. Nor in order to secure his release from jail. He has said quite plainly that that could make no difference to his course of action. He is proposing to fast solely in order to secure a change of policy. I should like just once more to emphasise that, that it is not in order that he may have an opportunity of stating his views. That can be provided without resort to such drastic methods. It is in order to force his views on the country as a whole.

Mr. Gandhi sees in His Majesty's Government's proposals the permanent segregation of the depressed classes and the Honourable the Mover really made the same point. I find it difficult to understand how the proposals of His Majesty's Government can be regarded as a permanent segregation of the depressed classes from the Hindu community. I am not surprised, Sir, that the Prime Minister, when he saw Mr. Gandhi's letter, felt that Mr. Gandhi must be acting under a misapprehension as to the nature of His Majesty's Government's decision. For, what is their position? The first point is, and I would invite the special attention of the House to this, the first point is that every depressed class voter will vote in a joint electorate, in a general constituency with all the other Hindus. How is that segregation? Every single depressed class voter will vote in a joint electorate. The provisions for separate electorates are in addition to that. It is provided that for a limited period, in addition to the ordinary vote with every Hindu, certain members of the depressed classes will have a special vote in a special constituency. Owing to the fact of their treatment in the past and the condition to which they have been reduced, they should for a limited period have a certain additional advantage given to them. And that advantage is that they should be enabled to select spokesmen of their own choice to voice their own grievances and ideals. In the new constitution, Sir, every one will have to look after his own interests. There will be no Government, as there is at present, endeavouring to hold the scales even.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Question.

**The Honourable Mr. H. G. Haig** : The depressed classes, owing to their position, do require and, I think, it was admitted by everybody that they do require, a certain special measure of protection. That is all that the decision of His Majesty's Government intends to give them. I think Sir, I have covered the main points which have been raised in the course of the debate so far and I would ask the House to consider carefully and dispassionately the considerations that I have put before them and to realise that His Majesty's Government have, faced with an unpleasant necessity, given a decision which appeared to them to be reasonable, that they cannot allow that decision to be affected by Mr. Gandhi's

action, but that they have always expressed their willingness to allow the communities concerned to come together and to devise another solution, if they prefer it. (Cheers.)

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : Mr. President, when speaking on the Communal Award only a few days ago, I had occasion to warn Government that their decision with regard to the depressed classes was not a constitutional issue in the opinion of the Hindus, but that it was a religious issue affecting national sentiment. Little did I then dream that within a very few days, due to the action of Mr. Gandhi, the crisis would be upon us. Now, Sir, if there is anybody who is to be congratulated on the decision, the grave decision taken by Mr. Gandhi, it is the Government,—His Majesty's Government and the Government of India. I firmly believe that Mr. Gandhi's action has relieved them of considerable responsibility. It might strike Honourable Members as strange that the action of a man who threatens to commit suicide should relieve His Majesty's Government of a responsibility. But I desire to put a point of view before you to prove that assertion. And, in order to do so, I might, with your permission, Mr. President, take you back to what happened at the second Round Table Conference. The Honourable the Home Member who, I believe, was in England at the time has related a few facts. I would like to place before you just a few simple facts for your consideration.

Mr. Rajah has given us the past history of the opinions held by the two representatives of the depressed classes who were sent to England. It is perfectly true, and I reminded the House of that fact a few days ago, that Dr. Ambedkar did not claim a separate electorate at the first Round Table Conference. He asked for reservation of seats and the only issue that arose with regard to the depressed classes at the first Conference was the number of seats that should be allotted to them. Dr. Ambedkar opened his mouth rather wide. He was not satisfied at the first Conference with reservation of seats corresponding to the population of the depressed classes in each province, but he wanted weightage. The matter rested there. At the second Round Table Conference the matter became one of much greater importance and the depressed classes were driven into becoming one of the big minorities in India. I alluded to that fact when I spoke on the communal issue, but since the crisis has now come, I, with some hesitation, desire to place the inner history of this case before the House.

The issue was not what numbers should be reserved for the depressed classes. Mr. Gandhi, most unfortunately, refused to agree to a reservation of seats for the depressed classes at the second Round Table Conference. It was a most regrettable decision on his part and I may tell this Honourable House that many of the Indian delegates appealed unsuccessfully to Mr. Gandhi to change his attitude. The result was that Dr. Ambedkar claimed separate electorates and he got so taken up with that idea that he began sincerely to hold the view that separate electorates were in the best interests of his community. But I am equally convinced that if reserved seats had not been definitely refused to him, he would never have demanded separate electorates. I can tell you, Sir, that efforts were made till within the last two or three days of the conclusion of the Conference to persuade both the representatives of the depressed classes and of the great Hindu com-

[Sir Cowasji Jehangir.]

munity to come to terms on a basis of reserved seats. But these efforts failed because Mr. Gandhi up till the very end strongly held the view that it was not in the interests of the depressed classes to have any reservation of seats, and certainly not separate electorates. I believe that Mr. Gandhi was perfectly sincere in his contentions. He really and honestly believed that there should be no reservation of seats for the depressed classes, and that even the reservation of seats would be dividing his great Hindu community. But we have seen the result and the one hopeful aspect that now comes to the surface from the correspondence that has been published is that it appears that Mr. Gandhi has changed his views and is prepared to concede reserved seats to the depressed classes. And if that is so, I consider that a great obstacle in the way of Mr. Rajah's school of thought and Dr. Ambedkar's school of thought coming together has now been overcome. I do not see any definite statement in the correspondence which goes to show that Mr. Gandhi has definitely come to that conclusion; but I do assert that the trend of that correspondence shows that Mr. Gandhi now believes that the only way to satisfy the depressed classes is reservation of seats. If that is so, I think my contention is proved that Mr. Gandhi's action has relieved His Majesty's Government of a great responsibility.

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : Which part of his letter are you referring to ?

**Sir Cowasji Jehangir** : Throughout his letter he does not say that he is against reservation of seats but he protests against separate electorates and I think reading between the lines you can safely contend that Mr. Gandhi will now agree to reservation of seats. I may be wrong but if I am wrong, God help the depressed classes and the Government of India as well.

Now, Sir, that being the past history of the case, I see in the action of Mr. Gandhi considerable force and, as the Honourable the Home Member said, his action does not appear to me to be directed against His Majesty's Government but is a suggestion of a great sacrifice in order to bring the Hindu community together again. I have no doubt that if put to the test Mr. Gandhi will carry out his threat, but I see no necessity of putting a great man to that tremendous test. I do not see why the depressed classes cannot come to terms immediately, and I cannot see why Mr. Gandhi should not be the medium between the school of thought represented by Mr. Rajah and the school of thought represented by Dr. Ambedkar. It is a domestic quarrel and it should be settled by themselves. We have the assurance of His Majesty's Government that if this difference of opinion can be overcome by mutual understanding between all Hindus, His Majesty's Government will be prepared to accept any alternative to the decision they have given.

Now, Sir, how is this to be brought about ? I hear it mentioned on all sides, and my friend Mr. Mitra has been constantly interrupting, that Mr. Gandhi is in prison. I wish on this occasion, since Mr. Gandhi has taken this momentous decision, that he were out of prison. I wish he were here today opposite to us to argue with us and to give us his point of view. It is Mr. Gandhi's duty now to bring both sections of the depressed classes

together by agreeing to give them reserved seats and to bring peace within the Hindu community. If he can be capable of making the sacrifice that he has threatened, he is capable of giving up a cherished principle enunciated only a few months ago, the principle of no reservation of seats. And I firmly believe that a man, who can for his religion and his community threaten and mean to carry out that threat, a threat to commit suicide, is capable of bringing peace within his community.

I do not know what action Government propose to take, but I do think that since Mr. Gandhi has brought about this state of affairs so far as the depressed classes are concerned, Mr. Gandhi should be given an opportunity to mend the present situation. And let us all hope that Government will give him that opportunity and that he will succeed. And success will not only mean peace on this one particular issue but may even lead to a consummation, which we all pray for, that all India may be united when those who go to England to fight her cause are faced with the position that they are likely to be. Let us pray and hope that Mr. Gandhi's action will not only bring peace amongst the Hindus but will see all parties combined when in a very short time they will have to face real and live issues. If Mr. Gandhi can give up a cherished ideal in the cause of peace perhaps Mr. Gandhi can be persuaded to give up passive resistance. It may be his creed but let us hope that the spirit of the great sacrifice he proposes to make will lead to peace within India, friendship between India and England, and above all, to an India of the future, with a Government strong and capable, allowing India to reach the goal which she is destined to reach,—a great, prosperous and powerful country.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions : Muham-

madan Rural) : Sir, I do not think that the House  
 5 P. M. would be justified to go into the details of the British Government's decision on the communal problem on this occasion. The House has already discussed, on a motion of adjournment, the merits and demerits of the decision given by His Majesty's Government and really I think we ought to be out of order if we go into the details of the same in discussing this motion of adjournment before the House.

The very fact that a great personality like Mr. Gandhi has made a resolve to end his life by starvation is quite sufficient to perturb a very large section of the community in this country ; and even those who do not agree with Mr. Gandhi in his political views, perhaps, do not like that the precious life of such a great man as Mr. Gandhi should end in an unnatural manner, at this stage of the political situation in our country. But really I do not understand how the Government can help in this matter, how, by any action, taken by the Government the situation can be eased. There are two courses open and only two courses open to the Government. The first course is that they modify their decision without consulting the community concerned. If they adopt this method, I am sure that they will lose the confidence of all the minor communities in India. I think, as my friend, Sir Cowasji Jehangir, has pointed out, this is a domestic trouble between two sections of the Hindu community, and really it is a matter of satisfaction to me that poor Mussalmans are out of this controversy. It is the duty of all the patriots of the two sections of the Hindu community to save the life of this great man of India. I admit that that section of the Hindu community which is known by the name of depressed classes have in the

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past incurred great sacrifices in order to remain in the fold of Hinduism, and I hope that the patriotism which the depressed classes have shown so far will be shown by the high class Hindus at this critical moment, that they will proceed with open arms to the depressed classes and will say "You are our brethren; henceforth untouchability is gone; and every person belonging to the depressed classes has full opportunity to enter into our temples and to worship before our idols". Every Hindu sweeper should be allowed to enter into the temples as a Muslim sweeper is allowed into the mosques or as a Christian sweeper is allowed into a church. This is the proper course, and I hope that if the great Hindu community will approach that suffering section of their community in this spirit I am sure that the depressed classes will meet them more than half way and will be quite willing to meet the wishes of Mr. Gandhi and his precious life will be saved. But, as I have just said, I do not know what Government can do in this matter. It will be the greatest folly on their part to modify or reopen the decision without consulting the communities. If once you open the door of revision, next day my friend, the patriotic Sikh, Sardar Sant Singh, will give notice to the House that he will start starvation and put an end to his life till the question of representation of Sikhs and Mussalmans in the Punjab is decided. The second day, my friend, the great patriot from Bengal, Sir Abdulla Suhrawardy, will start starvation saying that in Bengal great injustice has been done to his community and their natural majority has been reduced to a minority; and in the same way all communities which have got certain grievances will do the same. I do not know how many of them will end their precious lives by starvation and probably any action taken by the Government will not help them.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : I will start it if the Sarda Act is not repealed.

**Sir Muhammad Yakub** : The Sarda Act was discussed this morning and probably nobody ever tried to end his life; otherwise my friend, the Raja Bahadur, would not have been in the House today. I submit the other course for the Government is that they should set Mr. Gandhi at liberty. But then that course will not ease the situation, because Mr. Gandhi in his letter says that he will not leave his starvation even by being liberated until the decision is set aside or modified. So I do not really know what action on the part of Government will ease the situation and how the Government can help in this matter; and, that being the position, I really do not see and cannot see how we can vote for this motion for adjournment.

**Mr. F. E. James** (Madras : European) : Mr. President, there is a Latin proverb which says that when you are speaking of other people's household gods, you should speak with restraint. I, therefore, do not intend to follow Mr. Ranga Iyer, but propose to speak with the greatest possible restraint, because I know that Mr. Gandhi is the household god of many Members of this House. It is a curious thing that in the recent history of India this little man has had a most disconcerting way of intervening with his amazing and complex personality, and this is another occasion on which he has intervened in the normal development of affairs in a way which causes embarrassment in many directions.

I have very carefully read the correspondence which has taken place between Mr. Gandhi and the Prime Minister and which has been circulated to us this morning, and there are two things that occur to me first of all. The first is, that while we may bow to the opinions of those who hold that Mr. Gandhi is a saint, we are obliged to admit that he is a very clever letter writer. For, throughout this correspondence, it becomes abundantly clear that, while we may not for one moment doubt his sincerity, he has chosen a moment and a method by which he can place the greatest odium on His Majesty's Government in England and the greatest embarrassment on the Government in this country. I do not think that any impartial person reading this correspondence without sentiment could come to any other conclusion. It may be said, therefore, that that is the first impression that is created on the minds of some of us.

The second impression that is created definitely on my mind is that, on the facts of the case, there is absolutely no justification whatever for any threat of direct action of this kind. Making all allowance for the very deep feeling which has been aroused in the Hindu community over this question, making all allowance for the devotion which Mr. Gandhi has given to the cause of the depressed classes in recent years, making all allowance for the disappointment which he may feel at the particular method selected in the Communal Award which has been given by His Majesty's Government,—making all these allowances,—I still submit, Mr. President, that on the facts of the case there is no justification whatsoever for the method which he has chosen. It may be argued that you cannot apply the ordinary standards of conduct in political life to a man of Mr. Gandhi's personality. My reply to that is this. After all, we are living in a practical world. We are practical men. We are dealing with practical things, and we are all, every one of us, doing our best to find a practical solution. That cannot be achieved in these unpractical ways. Therefore, my first suggestion....

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Practical suggestion.

**Mr. F. E. James** : Therefore, my first practical suggestion is, and it is a very practical one, that the Government of India should not yield to this threat of direct action...

**Mr. B. Das** : That was the advice of the European Association long ago.

**Mr. F. E. James** : Now, Sir, the second point is this. The question of the depressed classes is not a new question. As Mr. Rajah has already said, it was considered with great care by the Simon Commission, and those, who have read that Report and the evidence given before it, will remember that a very large number of associations of depressed classes all over the country gave evidence before that Commission. For the last five years this question has been before every one interested in public life, day in and day out. It formed one of the most important subjects of the meetings of the Round Table Conference. I may be permitted to observe that if Mr. Gandhi really believed that by this method he could bring about a settlement of this important question, he should have used this method in London, after he had failed to solve the question at the Round Table Conference. I may also be permitted to observe that if



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Mr. Gandhi believed that this was the only method to settle this question, he might have indicated that he proposed to use this method in this country during the recent months in order to drive the communities together into a common solution. Instead of that, he has waited until now ; he has waited until His Majesty's Government were obliged, in order to proceed with constitutional reforms, to take upon their shoulders the difficult task of settling the communal question themselves. The Honourable Mr. Haig has pointed out to the House that His Majesty's Government did not wish to undertake this task. It was only undertaken with one idea, namely, to prevent any further delay in proceeding with constitutional reforms in this country, and not until His Majesty's Government had taken this step and had announced this Award, and had attempted a solution of this most difficult question (which obviously could not be satisfactory to every one in this country) . . . . .

**An Honourable Member :** He wrote his first letter on the 13th of March.

**Mr. F. E. James :** It was not until that time that Mr. Gandhi, though he threatened it earlier in the year, decided to take this method.

My second point, therefore, is that I believe it is impossible at this stage for His Majesty's Government, in spite of Mr. Gandhi's attitude, to go back upon their Award. The Honourable Mr. Haig has already read extracts from paragraph 4 of the Award in which it is indicated that His Majesty's Government will be only too glad to make any alterations before the new Government of India Bill is finally drafted and placed before Parliament in regard to this matter, provided a solution is found by the agreement of the communities in this country. While, therefore, my impression of the correspondence is that Mr. Gandhi has all along intended to throw the blame upon His Majesty's Government, the real blame is in this country, and the real solution can be found in this country and in this country alone.

My friend, Mr. Ranga Iyer, spoke of the responsibility of his position. I make a definite appeal to him. He is in a very responsible position. Will he not from to-day use that position towards a settlement of this very question ? That is a far more practical solution than hurling curses upon an alien Government.

**Mr. B. Das :** He did not hurl curses.

**Mr. F. E. James :** At any rate, his language reminded me of the language of the numerous books of which he is the author.

**An Honourable Member :** It is not a Benthall circular.

**Mr. F. E. James :** There is only one other thing that I wish to mention, and it is this. I have had some opportunity of judging the difficulty of this question of the representation of the depressed classes. It will be remembered by this House that nearly everybody concerned has within the last five years changed his mind on this question. Dr. Ambedkar has changed his mind ; Mr. Rajah has changed his mind ; Mr. Gandhi has changed his mind ; and if these three great men have so changed their minds on a matter of such vital importance . . .

**An Honourable Member :** Have you not changed your mind ?

**Mr. F. E. James** . . . . . what can their lesser followers be expected to do ? I was privileged, Sir, in Madras, where we have the largest single population of depressed classes in the country, to serve upon the Provincial Franchise Committee, and I do not think I am betraying any secret when I say that we had the greatest difficulty in finding out exactly which way the depressed class leaders intended us to help them. I represent interests in the South which employ a large number of depressed class labourers. They, on their part, from their own experience, were unanimous in saying that only through separate electorates for the time being could the depressed class labourers hope to send to the Legislatures the men whom they really trust. That is one side of the picture. The other side of the picture is this. We had Hindu friends on our Committee who felt sincerely and definitely that any system of separate electorates would really mean that the Hindu community would be driven in two, and those of us who were anxious to secure a practical solution of this question were faced with this dilemma. That dilemma certainly in my mind still exists, and I wonder whether, after all, the Communal Award, with its time-limit, is not the best solution of the difficulty for the time being unless the Hindu community can come to an understanding with the depressed classes on the question of separate or joint electorates.

Sir, as far as we are concerned in this group, I think I may say that it is a matter of some indifference as to whether separate electorates or joint electorates are utilised for this purpose as long as the depressed classes feel satisfied that they are able, whatever system is chosen, to put into the Legislatures men, not only who can represent their point of view but who can be trusted. This is a practical difficulty ; it is a practical question. I beg of this House not to allow sentiment and feeling to dominate this discussion. What is wanted today is not sentiment, but statesmanship ; what is wanted today is not coercion, but co-operation. May I not appeal to my friend, Mr. Rajah, may I not appeal to the other Members of this House, to be statesmanlike in politics and try and settle this matter in a practical way ? The only way by which you can save the life of Mr. Gandhi, if he is determined to fast, is to settle this question on a practical basis, and there are men in this House who can do it if they will only apply their will and their purpose to that single task to the exclusion of everything else.

**The Honourable Sir C. P. Ramaswami Aiyar** (Leader of the House) : Mr. President, one reason why I have sought to supplement the remarks made by my Honourable colleague, the Home Member, is that I enjoy or shall enjoy very shortly an advantage which is denied to him. In about three weeks from now, I shall be a non-official and it is most unlikely that I shall accept office, at least under the present constitution. Therefore, what I say, will, I trust, be taken by this House as coming from one who has a non-official outlook and has moreover played some part in the matter of the solution of this particular question. I am going to make my remarks not by way of reproach or recrimination, but by way of appeal. My Honourable friend, Mr. Rajah, will bear me out when I say that during the Governorship of Lord Willingdon in Madras, for the first time the depressed classes got representation to the extent of a dozen seats or more in the new Legislative Council of that province, and Mr. Rajah need not be reminded that he and I have worked together for the solution of this problem and for the amelioration of the depressed classes in practical ways in some of

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the districts of the Madras Presidency. That is one of my claims to speak on this matter. Mr. President, I have the advantage of being acquainted with Mr. Gandhi and I have great admiration for his sincerity and for his character and services to the country and especially to the depressed classes. If I declare that the particular method which he has adopted is one which I deprecate, I do so with some diffidence though with great conviction, because I do not wish too facilely to pit my judgment against the judgment of a man who has been acclaimed as a great leader. But I must be allowed to say this, namely, that the method of direct action which he has been adopting and which he is threatening to adopt is one which, as has already been pointed out, may lead to most embarrassing and undesirable developments. All of us no doubt feel that a life is being sacrificed for a cause which is held sacred and holy by the man who sacrifices that life. But, surely, Mr. President, this mode of solving political questions by non-political and *supra-mundane* methods is one which is fraught with the greatest possible danger to the constitutional progress of this country. I do not wish to labour the obvious. I do not wish to say that this example may be followed by A, or B, or by community C or community D but in different and more dangerous ways, but I do wish to say this, that opportunities,—and I wish to weigh my words—opportunities will no doubt arise for Mr. Gandhi to put forward his point of view and to try and effect the change of opinion which he hopes for. It must, however, be remembered that the change of opinion must be such as will fall within the terms of the Premier's announcement. Let me expand what I have said. The only way in which this problem can be debated and solved is by mutual discussion and by mutual agreement. Mr. Rajah in a speech to which I listened with pleasure and profit has pointed out the developments and ramifications of this problem. He was anxious to elaborate his view that there have been changes of opinion on the part of those who represented his community at the Round Table Conference, but Mr. Rajah will not be the last to admit that there are differences of opinion in his community. The first task, therefore, is for the members of that community, and for the leading representatives and the protagonists of the two points of view in that community to come together and to arrive at a *modus vivendi*. (Cheers.) Having done that, that community will meet the leaders of the Hindu community. They will foregather and they will try to reach conclusions, and I may assure the House that the great conciliatory forces that are still operating in this country and are still dynamic and potent will help Mr. Rajah and the leaders of the two communities. The influence, the undoubtedly great influence that the Mahatma wields will, I trust, be used for the purpose of bringing those two branches or sub-divisions of that community together and the Hindus and depressed classes together so that a solution, really lasting and beneficial, may be arrived at. Not otherwise can this matter be solved and certainly not by resort to force albeit it is spiritual and intangible force. This is an age-long problem. Mr. Rajah knows that there are portions of the country in which the most elementary rights of humanity are denied to his community, and naturally on account of the feelings of exacerbation and resentment produced by such treatment, some people in his community are apt to say that they shall have nothing to do with the majority community. This feeling will have to be met by forces of kindness, forces of gentle suasion, and of compromise, and not by *ipse dixit* on the part of any one

and the British Premier cannot bring about what the communities have to achieve. A solution can only be arrived at when the depressed classes, including those that are now suspicious and resentful, feel that their fates are safe in the hands of the so-called higher classes. It is a matter of great gratification to me personally that today we have had a pronouncement from Mr. Rajah that he is content to leave the political fate of his group in the hands of the majority Hindu community. (Cheers.) I take pride in that fact as a member of the Brahman community and I rejoice at it. But Mr. Rajah will realise that his influence is not universal, though he is a powerful advocate. I appeal to him to utilise that advocacy for the purpose of bringing together the two branches of his community in a spirit of union. I appeal to Mr. Rajah and the Hindu leaders to come together, to bury the hatchet and to inaugurate a new era of mutual toleration and mutual education and in that great effort let me hope that Mr. Gandhi's influence will be potent and will be used in that manner, and not in the direction of direct action which in its implications and repercussions will inevitably be fatal to all orderly constitutional development. (Loud Applause.)

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : I did not intend to intervene in this debate, because my Honourable friend to the left had already exhausted the subject so far as the motion for adjournment was concerned. But Honourable Members on both sides seem to have taken many things for granted, which on second thoughts I think they will find perhaps premature in their judgment, because as I read the correspondence between Mahatma Gandhi and the Prime Minister and the Secretary of State I find one pregnant sentence to which I would like Honourable Members to devote a few of their moments. That sentence occurs in the letter of Mahatma Gandhi, dated the 11th March. Let me give to Honourable Members his *ipsissima verba*. He says :

“ In pursuance of that statement (*which he made at the Round Table Conference*) I had hoped on my return to India to mobilise public opinion against separate electorates, at any rate for the depressed classes, but that was not to be.”

That is his first complaint, that after his return from the Round Table Conference he had taken a vow that he would utilise his great influence, on his return to this country, to mobilise public opinion against the communal electorates and that he was denied that opportunity. Can the Honourable the occupants of the Treasury Benches deny that fact that they were responsible for denying him that opportunity. They would admit that that was a little rift in the lute which brought about the Communal Award and the subsequent sequel with which Mahatma Gandhi and ourselves at the present moment are concerned with. Having given the Communal Award, what Mahatma Gandhi says is that he is against the separate electorates given to one section of the community. I agree with my friend, Sir Cowasji Jehangir, that nothing in this correspondence makes me think that he implied at any time that he is against the reservation of seats to be given to the depressed classes. Sir, speaking for myself, if Mahatma Gandhi was free, I would have argued with him that so far as the depressed classes are concerned, let him come one of these days and today was a day I would have invited him to occupy a seat in the Distinguished Visitors' Gallery and watch the debate that took place in the forenoon. After that, would he have written the words he has that the

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amelioration of the condition of the depressed classes has been taken up by the reformers with great success and that the caste Hindus are giving the depressed classes a helping hand with a view to ameliorate their condition. Did not Honourable Members see the spectacle of shastras, two thousand years old, quoted for the purpose of establishing that the Gods had created the four castes and that the depressed classes were made out-castes by the shastric law. (*Several Honourable Members* : "That is not true.") I recall to Honourable Members the statements they have made against all reforms, against all improvements in the condition of the submerged tenth. Mahatma Gandhi has stated that the reformers have been trying to improve the condition of the unfortunate submerged tenth of the Hindu community and my Honourable friend, the Leader of the House, has said 'Don't you see that we have given you 10 seats in the Madras Legislative Council'. Sir, if you had given 80 seats instead of 8 in the Madras Legislative Council and also in the Legislative Assembly, that would not improve the position.

**The Honourable Sir C. P. Ramaswami Aiyar** : They had no seats at all till now.

**Sir Hari Singh Gour** : I realise that they had no seats at all. What I am driving at is that there has been no mass momentum in the direction of improving the lot of the depressed classes and have the caste Hindus, during the last 150 years, or, indeed, during the last ten years, done anything at all to uplift this unfortunate class? Whenever attempts have been made on the floor of this House for improving their condition, we have been treated to long drawn sermons against improvements upon the authority of the sacred laws. Therefore, if I had to decide this point upon its merits, I would say, let the depressed classes have spokesman of their own choice and let my friend, Mr. Rajah, be satisfied with the representation of the depressed classes on the basis of joint electorates. I am glad that women and the depressed classes in the future legislature will have a voice in settling the question which vitally affects their future.

So much, Sir, for the question of the depressed classes, but the question, with which we are at the present moment concerned, is Mahatma Gandhi's complaint, which is that this Award was given at a time when he had not the opportunity of mobilising public opinion in favour of joint electorates and the Honourable the Home Member has pointed out that the Communal Award given by the Prime Minister still leaves the door open to a communal settlement. My friend, Sir Cowasji Jehangir, has pointed out that an opportunity should be now given so that the two sections of the Hindu community that have been divided by the Award may still patch up their differences and prepare a scheme for joint electorates acceptable to both sections and which would supersede the Award given by the Prime Minister. That would necessitate the fulfilment of the hope that Mahatma Gandhi had, in the month of March, that he would be free to mobilise public opinion, and it is on that point that I should like the Honourable the Leader of the House or, for the matter of that, the Honourable the Home Member, to throw some light. It would have greatly relieved us if we were assured that in spite of the Award being given, in spite of the complaint made by Mahatma Gandhi that he was not given the opportunity

of mobilising public opinion, an opportunity would now be forthcoming to do what he regrets he could not do in the month of March.

**The Honourable Sir C. P. Ramaswami Aiyar** : That is what I said.

**Sir Hari Singh Gour** : I am glad to know the implications of my Honourable friend's reference to that fact and to that extent this House feels gratified. There remains one more question of a more or less academic character. I have not been able to understand the unbounded levity with which my friend, Sir Muhammad Yakub, delivered his speech with reference to Mahatma Gandhi. He said that if Sardar Sant Singh or my friend, Sir Abdulla Suhrawardy, were to give notice that they were going to die unless their cherished hopes were fulfilled, there would be the end of all Government. I entirely agree with him and I deprecate as sincerely as he does the course of direct action, but there are occasions and there have been occasions in the history of mankind when men were willing to die as martyrs, because they believed in their cause. Have you not read the history of martyrs ? Have you not read the history of long suffering and death to which people have subjected themselves, because they feel that their cherished ideal has not been fulfilled ? I do not for a moment justify the action that Mahatma Gandhi wishes to take on this occasion. I deplore the fact that Mahatma Gandhi should have resorted to this action upon, what I consider to be, a minor issue. But what I do wish to point out to Honourable Members on both sides of the House, considering the past of Mahatma Gandhi, considering the great services he has rendered to this country, considering the fact that he is the apostle of the civil disobedience movement, considering the fact that he has stood between law and order and lawlessness and terrorism, is that this Government must understand that, when he speaks, he speaks as a messenger of peace and as one who is anxious to bring about a pacific settlement of the great questions that loom large before the country, and it is in that spirit that we should give him the advice, if he needs any advice from this House, that, whatever may be the feeling of Mahatma Gandhi, we on this side of the House would earnestly appeal to him to resist the impulse towards self-destruction and to apply his great powers and his great genius towards the pacification of this country. (Loud Applause.)

**Sir Abdur Rahim** (Calcutta and Suburbs : Non-Muhammadan Urban) : Mr. President, there cannot be the slightest doubt, whatever be the merits of the question as regards the representation of depressed classes, that the correspondence shows that a difficult and a very perplexing political situation has arisen. Sir, I agree with the Honourable the Home Member that the Government cannot allow its course of action to be diverted by the threat of any single individual, however great he may be. At the same time, I am sure, the Government fully realizes the significance of the fact that Mahatma Gandhi is held in unique reverence by his community ; in fact he is worshipped by large classes as a saint and an Avatar. (Hear, hear.) At the same time, he is looked up to as a great political leader by very large sections of the political communities of India as a whole. (Hear, hear.) That being so, the direct action which he has threatened, unless it can be met properly, is likely to give rise to considerable political complexities. Sir, as regards the question of the representation of the depressed classes, there cannot be any

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two opinions in the matter. They ought to be guaranteed proper representation in the future constitution of this country (Hear, hear), and it also must be acknowledged that the British Government have done a great deal in this matter to raise the status of the depressed classes. (Loud Applause.) Sir, we have heard from my friend, Sir Cowasji Jehangir, who was present at the second Round Table Conference, what happened there with reference to this matter, and we have also heard the history of the question of the representation of the depressed classes from Mr. Rajah. It is not quite an easy matter ; in fact, the whole of the communal question, the question not only of the depressed classes, but the question of the representation of other minority communities including my own, gave rise to problems which the communities themselves were unable to solve. Sir, when the Communal Award was issued, I felt that it was a great reflection on the political leaders of India belonging to all communities that they should have been so utterly unable to come to an agreement amongst themselves ! They had ample opportunities of coming to a settlement. But even Mr. Gandhi and the other leaders who were at the Round Table Conference were unable to arrive at any settlement whatsoever. Under those circumstances I find it impossible to lay any sort of blame at the door of the British Prime Minister (Hear, hear), or the British Government for the Award that they have given. (Hear, hear.) Sir, in the very nature of things, the very fact that we were unable to come to an agreement and to find any solution, and when we found that no particular solution was acceptable to all, it was certainly not possible that the solution proposed by the British Government would be acceptable to all. It is idle, therefore, to blame the British Prime Minister or the British Government for the Award that they have given on this particular question. It is entirely our own fault, and the less we indulge in abusing the Government in this matter, the better I think for our own self-respect. (Hear, hear.) I have read the correspondence very carefully, as I believe every Member of this House has done, and I must say that I find it very difficult to suggest that there could have been any other remedy or solution more acceptable to the communities concerned. Mr. Gandhi himself does not suggest any solution. It is difficult to find out whether he would even reserve any seats in the general electorate for the depressed classes. He treats it entirely, almost purely, as a matter of religion. Well, there I am unable to follow him at all. Of course I do not profess or claim to be familiar with the ins and outs of the Hindu religion as Mr. Gandhi can claim to be. But we here must all take it as a constitutional and a political question. Taking it, then, in that light, I must say that I do not, speaking for myself, see anything wrong so far as the representation of the depressed classes is concerned. At the same time, I am in entire agreement with Mr. Gandhi that, if the caste Hindus and the depressed classes can settle their domestic differences so as to preserve the unity of the Hindu community, then that would be the best solution possible. (Loud Applause.) I believe—I know as a matter of fact—that Mr. Gandhi has the sincerest concern for the welfare of the depressed classes. (Hear, hear.) He has worked for them ; he has suffered for them. We all know this and I think under the circumstances Government would be perfectly justified, if they so thought fit, to give Mr. Gandhi ample opportunity to negotiate with the depressed classes and the caste Hindus and to bring about a settlement of this difficult question. I know he is in prison, but the Government might well consider

whether it is not possible, under the circumstances, in order to save further difficulties and complications, to find out means of giving Mr. Gandhi full opportunities to try and endeavour to solve this question. I do not think Mr. Gandhi is entitled to anything more than that ; but if my suggestion leads to this that Mr. Gandhi should be released, I think it is a matter which the Government ought to take into very serious consideration. Sir, if it were an ordinary man who was holding out some idle threats to Government, Government could easily and without the slightest difficulty brush aside and ignore them altogether. But in a matter of this sort, when Mr. Gandhi's opinion coincides with the bulk of the caste Hindu opinion, I do think that it would be politic and wise on the part of the Government to make some concession, so that a very difficult situation might be saved.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Sir, it has given me great pleasure that the debate has taken a very good turn. I congratulate our Deputy Leader, Sir Cowasji Jehangir, that he gave that turn to the debate and suggested some definite proposals for the consideration of the House. I am glad that all that has been said has been said in the spirit in which a solution is to be sought out of this complex situation. No doubt, it is an extremely lamentable decision of Mahatma Gandhi to fast for this issue, but now that he has taken this vow, it is on us to see how to avert the disastrous consequences of this act of his. It is very difficult to approach him in jail on a matter like this. But there are only a few leaders who are interested in this question of the depressed classes and the caste Hindus. In fact the only two leaders of the depressed classes who are interested in this question are Mr. Rajah and Mr. Ambedkar. On the other side, we have got Pandit Madan Mohan Malaviya who can influence the caste Hindus on this question. It is not very difficult to collect together these four or five people who can see Mahatma Gandhi in jail and bring about a settlement of this question between the two sections of the community. My humble suggestion, therefore, is that this course might be tried and we may find out how far we succeed in this matter. It is a fact that Mahatma Gandhi was sent to jail soon after he landed in India and had been left alone to brood over that vow which he took in London that he should resist with all his life the grant of separate electorates to the depressed classes. It is the result of brooding over that question that has brought about this desire. If these few leaders who are interested in the question approach him in jail, the solution might be found out and the catastrophe might be averted. I, therefore, Sir, make bold to suggest this course of action. One more suggestion I would like to make. Every word that has been uttered in this House on this question should be sent to Mahatma Gandhi so that he might know the full view of this House. I hope he will ponder over this matter and revise his decision when he knows that most of his countrymen feel in a different way.

**Mr. S. C. Mitra** : Mr. President, my Leader and the Deputy Leader have said what they had to say, yet I take advantage of this late hour to speak, because I think that the true voice of the country has not been heard and its feelings reflected by the previous speakers in this House. It was only the Mover of the adjournment, the Honourable Mr. Ranga Iyer, who really tried to represent the true views of the people at large. It has been lightly said by men like Sir Muhammad Yakub why a different



[Mr. S. C. Mitra.]

case should be made in the case of Mahatma Gandhi and he compared him with Sir Abdulla Suhrawardy and Sardar Sant Singh. The very fact that these gentlemen could not take such a vow to go on hunger strike over their principles shows what difference there is between Mahatma Gandhi and these gentlemen. I wonder that even after so many years, Sir Muhammad Yakub thinks that Mahatma Gandhi is to be compared with ordinary Members of this House. I do not care very much for what Mr. James has said. I know the Mahatma gave some trouble to the Christian Missionaries. One must seriously consider the point that has been raised by the Honourable the Home Member. He raised a really great issue. If anybody, however great, drives himself to some direct action to force a Government to take certain measures, what the remedy should be. But I wish the Honourable Member to consider what the status of the British Government in India is. Are they here by the consent of the people and do they govern India by the majority vote that obtains in all democratic countries? Have you really realised what is the strength and sanction behind this Government? It is merely brute force and nothing else. So, I want the Government to take it very seriously when a man like Mahatma Gandhi, who is *the* representative man of India, takes a vow that, if necessary, he will end his life to resist Government following a particular line of action, it should not be treated lightly. If Mahatma Gandhi dies, you may take it that it would mean the death of the non-violence movement, the great moral principle of passive resistance that he has been preaching before the world for all these years. People like Mr. James seem to be very anxious for the depressed classes, but those who know the history of Mahatma Gandhi's life know that he has been working for the depressed classes for more than 25 years of his life. Mr. Rajah had the goodness to admit that. Now, let us see what was his proposal? I have read the report of the Round Table Conference. Mahatma Gandhi said that as soon as he lands in India he will go from one end of the country to the other and will preach amongst the depressed classes and try to bring them to his views. My learned Deputy Leader, Sir Cowasji Jehangir, says that Government have been much relieved of their responsibility. If Government accept that view, they will be very much mistaken. I say, it is not an ordinary man they are dealing with. The responsibility of the Government is very great. Why did they not give a chance to Mahatma Gandhi to preach his views? He came to India with the full intention, as is reported in the proceedings of the Round Table Conference, to preach his views. He could see for himself what the difficulties were. And we on this side of the House, at least the Nationalists, do believe that Mahatma Gandhi could settle not only this question about the depressed classes but even the bigger question relating to the Hindus and the Muhammadans. I would like to be assured by the Government that they are not following the old policy of divide and rule. It is a very old and popular belief in India that they have divided the Hindus and the Muhammadans. And in the provinces where there are very few Muhammadans, the new policy of dividing the depressed classes from caste Hindus has been raised with a purpose. The honesty of the Government has been put to test. As regards the solution of the communal differences, it has been said

more than once that the Government were forced to give the Award. But I ask them, if they were honest, why did they not accept the compromise that was arrived at by all the parties when there was only the difference of one more or less vote to the Sikhs. Why did the Government throw out that agreement when there was a difference of only one vote? I know that solution was on the line of joint electorates and that was not suited to the policy of divide and rule. The *bona fides* of the Government was put to test there; but they are anxious to carry on the principle of divide and rule. So, unless we find by their action that they are ready to release Mahatma Gandhi to give him a chance to negotiate with different parties, we will be bound to come to the conclusion that with a purpose this principle of divide and rule is being carried on in India. Mahatma Gandhi with such a large gathering of followers numbering millions behind him would have been a credit to all the world anywhere else. He would have been a man who could really settle the terms of universal peace and goodwill for the whole mankind. But unfortunately he is born in India and he is not getting his chance.

(It being Six of the Clock.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The House will now adjourn till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 14th September, 1932.

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